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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 179/2025**

SUMIT @ BAHUBALI

.....Petitioner

Through: Mr. Kartik Gupta, Mr. R.K. Swami,
Mr. Himanshu Sharma, Ms. Jasmeen
Kaur, Mr. Rahul Shah and Mr. Tushar
Saxena, Advocates.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Manjeet Arya, APP for the State.
Insp. Manish Bhatti, PS BH Dairy.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER
14.02.2025

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By way of the present petition filed under section 483 read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks interim bail in case FIR No. 0048/2021 dated 31.01.2021 registered under sections 307/506 of the Indian Penal Code, 1860 ('IPC') at P.S.: Bhalswa Dairy, Delhi, on medical grounds. In support of his bail plea, the petitioner has appended a copy of Medical Status Report dated 13.12.2024 previously received from the Senior Medical Officer, Central Jail-Tihar, New Delhi.

2. Notice on this petition was issued *vide* order dated 16.01.2025, pursuant to which Medical Status Report dated 10.02.2025 has been



received from the Senior Medical Officer, Central Jail-Tihar, New Delhi.

3. Nominal roll dated 10.02.2025 has also been from the Jail Superintendent.
4. Mr. Kartik Gupta, learned counsel appearing on behalf of the petitioner submits, that as would be seen from a perusal of an earlier Medical Status Report dated 13.12.2024, the petitioner is suffering from Hepatitis-C infection, which has caused him to suffer seizures alongwith other medical problems in his eyes and in his brain.
5. Mr. Gupta submits, that a combined reading of Medical Status Reports dated 13.12.2024 and 10.02.2025 would show, the petitioner was referred from jail to the G.B. Pant Hospital as well as to the Deen Dayal Upadhyay Hospital but his medical condition has not improved. Learned counsel submits, that in the circumstances, the petitioner wishes to have himself treated at a private medical facility of his choice, so as to address his medical problems.
6. Ms. Manjeet Arya, learned APP appearing on behalf of the State submits, that since the petitioner is being treated for Hepatitis-C in jail, if he wishes to consult any other specialist doctor for his medical condition, the petitioner could be taken 'in custody' to do so.
7. Learned APP also draws attention to the petitioner's nominal roll, to argue that his overall jail conduct has been 'un-satisfactory' and that he has been awarded prison punishments on several occasions for disorderly behaviour and for possession of prohibited articles.
8. Though the Investigating Officer has not served intimation of the pendency of the present petition upon the next-of-kin of the deceased



despite a specific direction contained in order dated 16.01.2025, in view of the petitioner's medical condition as disclosed in the medical status reports, this court does not consider it appropriate to await service of intimation upon the next-of-kin.

9. From the medical status reports received from jail it is seen that the petitioner's medical problems arising from the Hepatitis-C infection have not been resolved despite receiving treatment in the Jail Dispensary and from doctors at the G.B. Pant Hospital and the Deen Dayal Upadhyay Hospital. Though the petitioner's overall jail conduct has been 'un-satisfactory', his jail conduct for the last one year is recorded as 'satisfactory'; and he has atoned for the infraction of prison rules by suffering the punishments awarded to him in jail.
10. The nominal roll shows that the petitioner has been in judicial custody of almost 04 years as an undertrial; and that he was released on interim bail on 02 earlier occasions but there is no allegation that he did not surrender on time or that he misused the liberty so granted.
11. In view of the foregoing considerations, this court is persuaded to allow the present petition and release the petitioner – ***Sumit @ Bahubali s/o Inder*** - on *interim bail for 02 weeks* from the date of his release *only* for the purpose of getting medical advice from a medical facility of his choice, so that based on such medical advice, his treatment may subsequently be continued in jail, subject to the following conditions :
 - 11.1. The petitioner shall furnish a personal bond in the sum of Rs. 25,000/- (Rs. Twenty-five Thousand Only) with 01 surety in



the like amount from *his wife*, to the satisfaction of the Jail Superintendent;

- 11.2. The petitioner shall not leave the State of Delhi without permission of this court and shall *ordinarily* reside at the address as per prison records;
- 11.3. The petitioner shall furnish to the Investigating Officer, a cell-phone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- 11.4. If the petitioner has a passport, he shall surrender the same to the Jail Superintendent and shall not travel out of the country without prior permission of this court;
- 11.5. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial; and
- 11.6. Upon expiry of the period of interim bail, the petitioner shall surrender before the concerned Jail Superintendent.
12. Nothing in this order shall be construed as an expression of opinion on the merits of the pending trial.
13. A copy of this order be sent to the concerned Jail Superintendent *forthwith*, for information and compliance.



14. The petition stands disposed-of in the above terms.
15. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 14, 2025/ss