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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 963/2026**

ASHUTOSH SINGH RATHI

.....Petitioner

Through: Mr. Azhar Qayum with
Mr. Shahamuddin Zahri, Ms. Priyanka
Saxena, Mr. Anmol Malhotra,
Ms. Priyanka Singh, Mr. Zubair and
Mr. Devansh Sehgal, Advocates.

versus

GOVT. OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Sunil Kumar Gautam, APP for the
State with SI Khushbu Singh, PS
Laxmi Nagar

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **16.03.2026**

CRL.M.A. 7351/2026 (exemption)

Exemption allowed subject to all just exceptions.

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1. When the present application was taken up by this Court on 12.03.2026, the following facts were recorded:-

“1. Applicant seeks interim bail on account of his critical medical ailments.

2. Applicant was arrested on 03.06.2025 in FIR No. 156/2025 dated 02.06.2025, registered at P.S. Laxmi Nagar, Delhi, for commission of offences under Sections 376(2)(n)/406 IPC.

3. Trial is going on and the prosecutrix has already entered into the witness box.

4. However, her further deposition is held up on account of non-availability of FSL Report.

5. It is apprised that so far, seven witnesses have entered into the witness box.

6. It is contended that even when the report from the concerned Jail Hospital was sought, it was apprised to the learned Trial Court that the

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applicant had already undergone serial debridement with amputation of proximal and distal phalanges of right great toe and was under admission from 26.12.2025 to 08.01.2025.

7. However, interim bail was denied, merely, for the reason that the applicant failed to apprise as to what follow-up or alternate line of treatment would be adopted by him, if released on bail. It also observed that the nature of ailment, merely, required prevention and management and, therefore, the request was turned down.

8. Learned counsel for applicant submits that applicant has feeling of numbness in his relevant foot and there is strong apprehension that it may not, eventually, result in gangrene.

9. Learned APP for State appears on advance notice and accepts notice.

10. Let comprehensive report in this regard be submitted by jail doctor which would also, clearly, indicate whether the applicant is wheel-chair bound or not.

2. In terms of the abovesaid directions, medical status report has been received from Senior Medical Officer, Central Jail No.12. The same is taken on record.

3. Admittedly, the applicant herein is a diabetic and there is amputation of his right toe and though prescribed medicines are provided to him at jail dispensary, when he again reported to the dispensary, he made complaint of on and off fever along with numbness present at the left foot also. The applicant is though not on wheelchair but on walker for the support and as per the report, his general health condition is stable and vitals are within the normal limit and there would be necessary follow up at GTB Hospital/Surgery Department with respect to the alleged history of numbness in the left foot on fixed OPD days.

4. Learned counsel for the applicant submits that there is no ulterior objective in seeking interim bail. He reiterates that it is only with the apprehension that tomorrow he does not suffer with gangrene resulting in amputation of his leg that he is seeking interim bail for a period of eight weeks



to have best of the medical care in the interregnum. He submits that as per the instructions, the applicant would get himself treated either at Max Hospital, Vaishali or at Indraprastha Apollo Hospital. He also submits that requisite update in this regard would be sent to the concerned Investigating Officer and would also be placed before the learned Trial Court. It is also undertaken that in the interregnum, if there is any date on which the learned Trial Court fixes up the matter, the applicant would ensure that he appears before the Court and does not cause any delay in the on-going trial.

5. Keeping in mind the overall facts and circumstances of the case and in order to ensure that the applicant gets requisite treatment to prevent any further harm to his foot, the present application is allowed and the applicant is admitted to interim bail for a period of eight weeks from the date of his release from jail, subject to his furnishing personal bond in a sum of Rs.25,000/- with one surety of like amount and with any other condition as the learned Trial Court may deem it fit and appropriate to put upon him.

6. It is clarified that no request for extension would be entertained from the side of the applicant unless there is a compelling medical reason. The regular updates of the medical follow-ups shall be shared by the applicant not only with the Investigating Officer but also with the learned Trial Court.

7. The application stands disposed of.

8. A copy of this order be sent to the concerned Court and also to the Jail Superintendent for necessary information and compliance.

MANOJ JAIN, J

MARCH 16, 2026/st/js