

IN THE COURT OF SH. AMITABH RAWAT,
ADDITIONAL SESSIONS JUDGE-03,
SHAHDARA DISTRICT, KKD COURT, DELHI
Bail Application no. 2493/2021

FIR No. 50/2020

PS- Jafrabad

U/S.147/148/149/186/353/283/332/333/323/307/302/427/120B/34/188 IPC
& 25/27 Arms Act and 3/4 Prevention of Damage to Public Property Act

State Vs. Mohd. Shahid

11.08.2021 (Proceedings through WebEx)

Vide Office Order No. **6263-6256/Judl./SHD/2021**, dated **23.07.2021** of

the Ld. Principal District & Sessions Judge, Shahdara District, KKD Courts, Delhi hearing in all the matters are being conducted through video conferencing using CISCO Webex App.

Present: Sh. Rajeev Krishan Sharma, Ld. Special Public Prosecutor for the State.
Sh. Bilal Anwar Khan, Ld. Counsel for the applicant/accused
Asstt. Superintendent Sh. Naveen Sharma from Mandoli Jail no.13.
IO/Inspector Rajeev.

(1) This is an application u/s. 439 Cr.P.C for grant of interim bail moved on behalf of the applicant/accused Shahid.

(2) Arguments heard. Record perused.

(3) (i) It is submitted by the Ld. Counsel for the applicant/accused that the applicant has suffered a paralysis attack on 03.08.2021 and was admitted to GTB Hospital for his further paralysis treatment. It is further submitted that the applicant has lost his ability to walk or move his limbs in normal way and also developed kidney stones which leads to severe recurring pains. Several pain killers injections are administered to the applicant to quell the pain, therefore, applicant was taken to other hospital other than Jail OPD for his treatment on several occasions.

(ii) It is further submitted that applicant fell off within the washroom of the Jail Ward on 13.07.2021 wherein the only surviving left hand of the applicant got fractured. It is pertinent to make mention that the *right hand* of the applicant was already having restricted movements owing to the gun shot injury during riots.

With the left hand also being fractured applicant's both the hands have become dysfunctional.

It is prayed that interim bail may be granted.

(4) Medical report has been called from concerned Jail Superintendent. As per the report of the Medical Officer dated 09.08.2021, "The patient was present in the OPD of Central Jail no.13 on 02.08.2021 at around 10.50 am with complain of weakness (sudden onset) in all four limbs. Patient was examined and referred to the GTB Hospital emergency department immediately and was admitted for evaluation and further management. It is further reported that patient was discharged on 04.08.2021 with two probabilities that patient is either malingering or has myelopathy. Patient was advised to visit neurology department of IHBAS Hospital. Therefore, he was sent to IHBAS where he was examined. Doctor on duty advised MRI of patient. Patient will be sent to higher centre for the MRI. Patient has been recalled with MRI report in the OPD of IHBAS Hospital. He will be sent to IHBAS after getting the MRI done. Patient was also examined in the OPD of Central Jail no.13 on 09.08.2021 and during examination his vital were within normal limits and he was stable and is able to walk."

(5) Today it is also informed by the Ld. Counsel for the accused that the accused has again been taken to hospital, therefore, Jail Superintendent has been asked to join the WebEx proceedings.

(6) On inquiry, Asstt. Superintendent has stated that four limbs of the accused are not working and he is being taken to hospital. At present he is on a wheel chair.

Ld. Special Public Prosecutor submits that appropriate order may be passed.

(7) There is certainly gravity in the offence and the material against the

applicant/accused Mohd. Shahid. However, the present medical condition of the applicant/accused, is also of paramount importance. The accused suffered a bullet injury in his right shoulder while participating in the riot as per the prosecution. The medical report suggests that his condition is not stable as he has been regularly taken to the hospital in emergency. The accused had complained of weakness in his all four limbs and had two probabilities of suffering from either malingering or has myelopathy. Even today the submissions made regarding four limbs of the applicant/accused shows the precarious condition of the accused lodged in jail. Hence, I am inclined to take humanitarian approach regarding the medical condition of the applicant/accused and allow the present interim bail application of accused Mohd. Shahid for a period of three months from the date of his release subject to furnishing of personal bond in the sum of Rs.15,000/- with one surety in the like amount.

(8) The accused upon his release shall not get in touch with any of the witnesses nor will tamper with the evidence and will not leave the city of NCT of Delhi without prior permission and will provide his mobile number to the Investigating Officer and shall keep his mobile phone open till the interim period of interim bail. The accused shall also call the Investigating Officer every week.

(9) On the expiry of interim bail of three months, the accused shall without fail, surrender himself before the concerned Jail Superintendent, who shall thereafter file a report to this court.

(10) It is, however, made clear that interim bail is not given as per the HPC guidelines and hence, accused shall positively surrender as directed above.

Accordingly, interim bail application of applicant/accused Mohd. Shahid stands disposed of.

AMITABH
RAWAT

Digitally signed
by AMITABH
RAWAT
Date: 2021.08.12
15:19:31 +0600

(Amitabh Rawat)
Addl. Sessions Judge-03
Shahdara District, KKD Courts,
Dated : 11.08.2021