

via Video-conferencing

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

+ BAIL APPL. 1004/2020

ANGAD KUMAR @ SAGAR Applicant
Through: Ms. Dolly Sharma, Adv.

versus

STATE (GOVT. OF NCT OF DELHI) Respondent
Through: Mr. Amit Ahlawat, APP for the State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **10.06.2020**

The applicant, who is an undertrial in case arising from FIR No. 214/2016 registered under sections 302 IPC and section 25 of Arms Act 1959 at PS : Palam Village, seeks interim bail on medical grounds.

2. The latest nominal roll dated 06.06.2020 alongwith medical report dated 06.06.2020 have been brought on record.
3. Ms. Dolly Sharma, learned counsel for the applicant states that a perusal of the medical status report confirms that the applicant is a follow-up case of Left Epididymal Cyst and Left-Eye Central Serous Retinopathy (LE CSR), for which the applicant has been referred to various hospitals for better medical opinion and management.
4. Although, the medical status report records that on 20.03.2020, the applicant was reviewed by the jail visiting Ophthalmologist who advised him to continue with the treatment advised by the Guru Nanak

Eye Centre ; and that there is no worsening of retinal features at present, that clearly does not mean that the applicant's eye problem is solved. Furthermore, it is submitted that the problem of the left epididymal cyst, for which the applicant was prescribed treatment and advised scrotal support, also requires to be addressed by specialist doctors.

5. Ms. Sharma submits that the previous status report also confirms the daughter's eye problem, which needs correction at the earliest, failing which it may get worse or even beyond remedy. She also points-out that the applicant's only family members outside prison, other than his minor daughter, are his wife and aged father, who are unable to attend to the daughters' requirement for surgery.
6. It is reiterated that, as seen in the updated nominal roll dated 06.06.2020, the applicant has been in judicial custody since May 2016; and has therefore undergone more than 4 years of custody as an undertrial.
7. Opposing the grant of interim bail, Mr. Amit Ahlawat, learned APP for the State submits that since the applicant's overall medical condition is stable; and also the daughter's problem is neither urgent nor life threatening, no interim bail be granted to the applicant.
8. Upon a conspectus of the facts and circumstances, it is seen that the applicant's minor daughter suffers from an eye ailment which requires better attention and timely surgery. With the partial reopening of hospitals for elective and non-urgent treatment and surgery, it would now be possible for the applicant to attend to his daughter's medical needs. Apart from that, the applicant, who has been in judicial custody

for more than 4 years as undertrial, also needs to attend to his own medical problems as recorded above.

9. In this view of the matter, this court is persuaded to grant the applicant *interim* bail for a period of 5 (five) weeks from the date of his release, subject to the following conditions :

a. The applicant shall furnish a personal bond in the sum of Rs.15,000/- along with 01 surety of the like amount to the satisfaction of the Jail Superintendent.

b. The applicant shall not leave the State of Delhi without permission of the court and shall *ordinarily* reside in his place of residence as per prison records;

c. The applicant shall make a video-call every Monday between 11 am and 11:30 am to the Investigating Officer, and in case the Investigating Officer is not available, then to the SHO PS : Palam Village and also 'drop-a-pin' on Google Maps, so that the IO/SHO can verify the applicant's presence and location. Counsel for the applicant has confirmed that the applicant has the wherewithal to comply with this condition;

d. The applicant shall furnish to the Investigating Officer/SHO a cell phone number on which the applicant may be contacted and shall ensure that the number is kept active and switched-on at all times;

e. If the applicant has a passport, he shall also surrender the same to the Jail Superintendent;

f. The applicant shall not contact nor visit nor threaten nor offer any inducement to the first informant/complainant or any

of the prosecution witnesses. The applicant shall not tamper with evidence nor otherwise indulge in any act or omission that would prejudice the proceedings in the matter ;

g. Upon expiry of the period of interim bail, the applicant shall surrender before the concerned Jail Superintendent.

10. The application stands disposed of in the above terms.
11. A copy of this order be sent to the Jail Superintendent.

ANUP JAIRAM BHAMBHANI, J.

JUNE 10, 2020/uj