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

+ **BAIL APPLN. 2521/2020**

**RAJESH KUMAR** ..... Petitioner  
Through **Mr. Durgesh Pal, Adv.**

versus

**THE STATE (NCT OF DELHI)** ..... Respondent  
Through **Mr. Hirein Sharma, APP for State.**

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**

**ORDER**

**% 08.10.2020**

The hearing has been conducted through video conferencing.

1. Order dated 17.09.2020 has not been complied with whereby Jail Superintendent was directed to send a medical report clarifying if the petitioner is suffering from Asthma and the treatment being given to him in jail in this regard.
2. Accordingly, I hereby impose cost of Rs.5,000/- to be recovered from the salary of the Jail Superintendent concerned and paid in the account of “*Bharat Ke Veer*” within one week from the receipt of this order. Copy of the receipt shall be furnished to the IO concerned.
3. The present petition has been filed under Section 439 read with Section 482 Cr.P.C on behalf of the applicant for grant of interim bail in FIR 115/2019 for the offences punishable under Section 365/302/201/34 IPC, registered at Police Station Nand Nagri.
4. As per medical report dated 12.09.2020, petitioner has been suffering

from chronic otitis media (COM) in his left ear for last 1 year. He was referred to GTB hospital for treatment. There, as per clinical examination and report of PTA (Pure Tone Audiometry) conservative management was suggested. Petitioner kept complaining that he needs surgery for his hearing loss as he is not getting relief with the current treatment. In this regard, he was referred to DDU Hospital. The said Hospital thoroughly examined the case, reviewed the past treatment records & tests and finally suggested the conservative management. The same is being provided to him from the jail OPD.

5. Case of the petitioner is that he is suffering with Asthma since long and he is facing problem in jail and living with the help of breathing medical pump, thus, he wants to get proper check-up of his body in a private hospital. Moreover, he wants to get his lungs and respiratory organs checked, as he may have contracted corona virus.

6. In view of above, I hereby grant interim bail for a period of 45 days.

7. Accordingly, he shall be released on bail on his furnishing personal bond in the sum of Rs.15,000/- with one surety of the like amount to the satisfaction of the Trial Court.

8. The petition is, accordingly, allowed and disposed of.

9. Copy of this order be transmitted to the Jail Superintendent concerned and Trial Court for information and necessary compliance.

10. The order be uploaded on the website forthwith.

**SURESH KUMAR KAIT, J**

**OCTOBER 08, 2020/ms**