

FIR No. 29/2019

PS: Kamla Market

State Vs. Javed

U/s 307/509/34 IPC & 25/54/59 of Arms Act

10.07.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Sh. S. G. Goswami, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

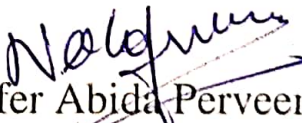
This is an application for grant of interim bail under Section 439 CrPC filed on behalf of accused Javed in case FIR No. 29/2019.

Medical report in respect of accused Javed received from Jail.

Ld. Counsel for the accused-applicant submits that he has not received copy of report received from jail.

Let copy of report be sent to Ld. Counsel for the accused-applicant through whatsapp.

For consideration, put up on **13.07.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
10.07.2020

FIR No. 265/2016
PS: Sarai Rohilla
State Vs. Femi Elihija
U/s 21 NDPS Act

10.07.2020

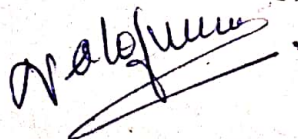
Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State
Sh. A. K. Gupta, Counsel for accused-applicant (through
video conferencing)


Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of interim bail on behalf of accused Femi Elihija in case FIR No. 265/2016 on the ground of illness of his wife.

Ld. Counsel for the accused-applicant submits that previously wife of the accused-applicant was operated upon for ovarian cyst and now the problem has again resurfaced and on 11.06.2020 again the tests reports have shown that the wife of the accused is suffering from hemorrhagic cyst on both the ovaries and that the medical documents are annexed with the application . I have gone through the contents of the application as well as the medical record annexed. It emerges that the wife of the accused-applicant was operated upon for removal of fibroids at family hospital pvt. Ltd., Tilak Nagar, New Delhi and discharged on 28.04.2020. It is stated in the application that there is no one to look after her post surgery and that the presence of the accused-applicant is required for



proper care and treatment of the wife of the accused-applicant and there are higher chances of complications in the wake of out break of covid-19. The contention may have been tenable around the time when the wife of the accused-applicant had been recently operated upon, but not after a lapse of over two months, post surgery unless any complication post surgery relating to the surgery is complained against. The medical documents annexed alongwith the application indicate ovarian cyst and bulky uterus, however as on date no surgery has been advised and what would be most relevant for the purpose^{of} present bail application is that no date of any kind of surgical intervention has been given. Interim bail can alone be granted in compelling circumstances and in such extraordinary exigencies where personal presence of the accused would be absolutely indispensable. In the present case, as no hospitalization and surgical intervention is advised for the treatment of the medical condition of the accused-applicant, therefore, no ground is made out to grant interim bail to the accused-applicant. **Application under Section 439 CrPC for grant of interim bail on behalf of accused Femi Elihija in case FIR No. 265/2016 is dismissed.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
10.07.2020

FIR No. 03/2020

PS: NDRS

State Vs. Usman

U/s 20 NDPS Act

10.07.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State


Sh. Tarun Satija, Counsel for accused-applicant (through
video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of
bail on behalf of accused Usman in case FIR No. 03/2020.

Reply not filed. Reply be filed on or before the next date of
hearing with copy of reply forwarded to the Ld. Counsel for the accused-
applicant on his email ID.

For reply, if any, and consideration, put up on **16.07.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
10.07.2020

FIR No. 29/2019
PS: Crime Branch
State Vs. Jarnail Singh
U/s 15/25/29 NDPS Act

10.07.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Sh. S. G. Goswami, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing. ^{at}
extension of

This is an application for grant of interim bail under Section 439 CrPC filed on behalf of accused Jarnail Singh in case FIR No. 29/2019.

It emerges that accused was granted interim bail on 01.07.2020 on the ground of illness of the mother of the accused-applicant as would appear from the medical documents annexed with the application for extension of interim bail which is to be expired on 13.07.2020.

The mother of accused-applicant is again admitted in emergency department of Ram Prakash Memorial Hospital on 07.07.2020 on 5.30 pm. It is, however, not stated in the application when the mother of accused-applicant was discharged when initially application for interim bail was filed as mother of the accused-applicant was stated to be admitted in the same hospital.

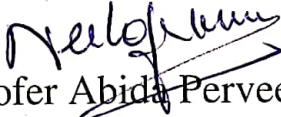
IO is directed to obtain detailed report from the doctor concerned i.e. Dr. B. K. Bazzad who has issued the certificate copy of

[Handwritten signature]

which is annexed alongwith the present application in respect of the treatments/hospitalization / discharge pertaining to the mother of the accused-applicant. Ld. Counsel for the accused in the course of arguments also raised ground of illness of wife of the accused-applicant. From the documents annexed, however, it emerges that no surgery/hospitalization has been advised in respect of the medical condition of the wife of the accused-applicant.

Medical report in respect of the mother of the accused-applicant be verified and report be filed on or before the next date of hearing.

For report and consideration, put up on **13.07.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
10.07.2020

FIR No. 32/2019

PS: Prasad Nagar

State Vs. Kamal Kishore

U/s 302/323/341/147/148/149 IPC and 25 Arms Act

10.07.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Sh.Vineet Jain, Counsel for accused-applicant (through video conferencing)

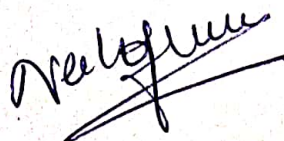
Hearing conducted through Video Conferencing.

This is an application for extension of interim bail granted to the accused-applicant namely Kamal Kishore in case FIR No. 32/2019 for 30 days.

Ld. Cousnel for the accused-applicant submits that accused-applicant was granted interim bail of 15 days on 24.06.2020 and that the problem in the foot of the sister of the accused-applicant is still not resolved and is only getting worse and that the sister of the accused-applicant was taken to the hospital on 07.07.2020 and there is no one in the family to look after sister of the accused.

Report has been filed in respect of the medical document annexed with the application. It is reported that the Head of Department Orthopedic of Ram Manohar Lohia Hospital has certified as under:-

"I have seen patient on 07.07.2020, patient had already shown herself in LHMC on 13.06.2020. However she had not got x-ray done and come without plaster. I also



advised her to get an x-ray and plaster, but she did not come back to show me. Photocopies of slips attached were seen, slip no.1 pertain to Dr. RML Hospital from both the slips it is evident that x-ray findings have not been mentioned and most likely x -ray are not been done. From records it is unclear whether the patient sustain a bony injury or soft tissue injury, it is evident that the patient did not choose to get x-ray done or plaster applied. Patient nor advised rest neither in LHMC nor in RML Hospital. The patient was also not advised to take assistance.”

In the present case, 15 days interim bail was granted to the accused for the treatment of his sister. It is reported by the consulting doctor that despite medical advice neither x-rays was got done nor the foot plastered. Neither bed rest has been advised nor assistance has been advised by the doctor concerned. In view of the report therefore, no ground is made out to grant extension of the interim bail to the accused-applicant Kamal Kishore. **Application for extension of interim bail on behalf of the accused-applicant namely Kamal Kishore in case FIR No. 32/2019 is therefore dismissed.**

Neelofer

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
10.07.2020

FIR No. 113/2016
PS: Pahar Ganj
State Vs. Rupesh Kumar Gupta
U/s 302 IPC

10.07.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Sh. Sachin Jain, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of interim bail of 45 days on behalf of accused Rupesh Kumar Gupta under Section 439 CrPC in case FIR No. 113/2016 invoking guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 24.06.2020.

Report in respect of accused Rupesh Kumar Gupta is received from Jail Superintendent to the effect that accused Rupesh Kumar Gupta is in custody in the present case from 25.02.2016 and that his over all conduct in jail is satisfactory and he has not been awarded any punishment in jail today. As per report received from the IO, accused-applicant is not involved in any other case.

The accused-applicant otherwise satisfies all the criteria laid down under the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi, however, it is also to be considered that in this case an inquiry is pending on an application filed on behalf of the



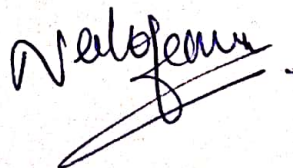
accused under Section 328 CrPC for stay of the trial as the accused-applicant due to unsoundness of mind is not capable for raising any defence. For the purpose of the present bail application which is filed by the wife of the accused-applicant with the undertaking as mandated under Section 330 CrPC, report was called from the medical officer Incharge Central Jail upon a psychiatric evaluation to ascertain whether the accused-applicant would require institutionalization or the psychiatric ailment is capable of being maintained exclusively on medication. Detailed report has been received of the Medical officer Incharge to the effect that based on the psychiatry evaluation by the jail psychiatrist dated 27.04.2016 till date, accused-applicant has been provisionally diagnosed with 'psychosis' and is receiving appropriate treatment for the same. That accused-applicant has shown significant improvement in his psychiatry symptoms on medications. That accused-applicant was seen by S R psychiatry on 28.02.2020 and 03.03.2020 wherein he provided complaint of hearing of voices but decreased in intensity and frequency for which he was thoroughly examined and provided treatment accordingly. That accused-applicant was again seen by jail visiting SR Psychiatry for follow up on 09.03.2020, 19.03.2020, 09.04.2020, 23.04.2020, 14.05.2020, 30.05.2020 and 11.06.2020 wherein patient was thoroughly examined and found maintaining well on medications and advised to continue same treatment. That on the directions of the Court, on 09.07.2020, accused-applicant was thoroughly examined and was found behaviorally stable and maintaining

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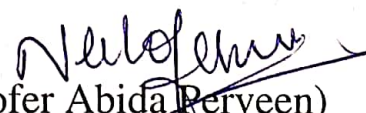
well on OPD based medications and no institutional care is required at present and advised to continue same treatment.

As the accused-applicant is reported to be suffering a psychiatric illness and inquiry in terms of Section 328 CrPC on the application moved on behalf of the accused-applicant is still pending, the accused-applicant in such facts and circumstances cannot be released on furnishing of his personal bonds alone, particularly taking into consideration provision of Section 330 CrPC.

In such circumstances, accused Rupesh Kumar Gupta is granted interim bail for 45 days upon furnishing personal bond in the sum of Rs.50,000/- with two sureties in the like amount and subject to the condition that the sureties shall furnish alongwith the bonds an undertaking that sureties shall ensure regular out patient psychiatric treatment of accused-applicant from the nearest medical facility and to prevent the accused-applicant to cause injury to himself or to any other persons. The sureties shall furnish further undertaking that medication as has been advised by SR Psychiatry shall be administered to the accused-applicant as per medical advice regularly and without any fail. The Jail Superintendent is directed to hand over photocopies of the medical record particularly the prescription of the S. R. psychiatry on whose medication the psychiatric illness that the accused-applicant is suffering from is being maintained and kept under control. The accused-applicant shall within, 10 days of his release be taken to the S R. Psychiatry or at IHBAS for follow up



treatment and consultation and every 15 days thereafter during the period of interim bail. The application is filed through the wife of the accused and accordingly on monthly basis, the wife of the accused shall furnish on affidavit details of the consultation/ follow up treatments / hospitals visits in respect of the psychiatric illness. That accused-applicant shall deposit his passport if he holds one with the IO and that during the period of interim bail he shall not in any manner threaten/ influence the witnesses in this case or tamper with the evidence or interfere with the course of justice in any manner whatsoever, and shall furnish his mobile phone number and that of one responsible member of the family to the IO and shall ensure that the mobile phone number remains throughout on switched on mode with location activated and shared with the IO. That the accused-applicant shall not leave the territorial limits of NCR Region.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
10.07.2020