

FIR No. 32/2019

PS: Prasad Nagar

State Vs. Yogesh @ Babu

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

14.10.2020


Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. Dharmender Bhan, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for extension of interim bail moved on behalf of accused Yogesh @ Babu in case FIR No.32/2019.

Arguments heard. For orders, put up at 4 pm.


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

14.10.2020

At 4 pm
ORDER

This is an application under Section 439 CrPC for extension of interim bail moved on behalf of accused Yogesh @ Babu in case FIR No.32/2019.

Ld. counsel for the accused-applicant has contended that vide order dated 17.09.2020, interim bail of 15 days was granted to the accused-applicant to enable him to take his father for dialysis and further treatment



of the kidney problem as also to get his mother hospitalized for further investigation and treatment. That the accused-applicant came out from jail on 22.09.2020 as father of the accused-applicant was not able to arrange two sureties of sum of Rs. 50,000/- each till 22.09.2020. That after coming out of jail, the accused-applicant had taken his father to Ram Manohar Lohia Hospital for his dialysis and further treatment of the kidney problem on 24.09.2020 however, in the night of 24.09.2020, the accused-applicant started feeling unbearable pain in his anus with heavy bleeding and in the morning of 25.09.2020 & 29.09.2020, the accused-applicant went to Sardar Vallabh Bhai Patel Government Hospital at Patel Nagar, New Delhi and after examination, it was found that the accused-applicant has been suffering from grade II Haemorrhoids and requires further management & Surgery at a Higher Medical Centre. That since the night of 24.09.2020, there is continuous bleeding from the anus of the accused- applicant and he is in pain & totally bed ridden and requires surgery for his ailment. That the accused-applicant was not able to take his parents to hospital after 25.09.2020 as since the night of 24.09.2020, the accused-applicant has been bed ridden and requires surgery for his ailment. The accused-applicant has to undergo surgery for his ailment and he has been advised medication & surgery. That extension of interim bail for a further period of one month is utmost necessary for enabling the accused- applicant for undergoing surgery for his ailment as well as for enabling him to get his old aged parents treated for their respective ailments.

The medical record has been verified and report is obtained


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from Sardar Vallabh Bhai Patel Hospital to the effect that the accused-applicant was examined in surgery OPD vide OPD SVH 212727, on 25-09-2020 and that the patient was suffering from Acute anal fissure, for which he was advised treatment(oral medicines including antibiotics and local ointments) and as the condition was painful, complete examination could not be done, and the patient was advised to visit after finishing the treatment and since the operation theater was not functioning for non-essential surgeries at the Hospital, the patient was advised to visit a higher centre, if at all the surgery is required at a later date (in case the patient does not respond to oral treatment). The accused-applicant is further reported to have visited again on 29-09-2020, and was advised oral treatment for 14 days excluding antibiotics. On 30.09.2020 the applicant had visited RML Hospital for treatment and as per report upon verification of the medical record from RML Hospital the accused-applicant had been advised conservative management of the medical condition and he was not advised surgery. It has been submitted on behalf of the accused-applicant that today also he has gone to RML Hospital for follow up treatment.

The accused-applicant had obtained interim bail for the purposes of treatment of his father who required dialysis urgently, he being the only son and as the mother herself was suffering from enteric fever. Interim bail was granted to the accused-applicant for the purposes of treatment of his father and mother. The accused-applicant himself developed a medical condition due to which he could not get the appropriate treatment done for the ailments being suffered by the father

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and mother of the accused-applicant. There is no substance in the contentions that the medical condition of the accused-applicant requires surgery as it has been certified that no surgery has been advised as such by the higher Referral Centre. Though it is not sufficiently brought forth that the accused-applicant himself during the fourteen days period remained bed ridden and incapable of taking his father to the hospital for the necessary treatment, the medical condition of the accused-applicant in itself not being absolutely debilitating following treatment in the acute phase and certainly not being a life threatening, however as during this period medication and conservative treatment prescription was being followed by the accused-applicant and under such circumstances therefore the interim bail of the accused-applicant is extended by five days on the same terms and conditions to enable him to get the dialysis conducted of his father and treatment of his mother also. Accused to surrender on the expiry of the extended interim bail period. Application is disposed of accordingly.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
14.10.2020

B. A. No. 1469
FIR No. 321/2020
PS: Burari
State Vs. Sanjay Mittal
U/s 370/34 IPC

14.10.2020


Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. Maneesh Sharma, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is second application under Section 439 CrPC for grant of bail on behalf of accused-applicant Sanjay Mittal in case FIR No.321/2020.

Further Arguments heard. For orders, put up on 17.10.2020.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
14.10.2020