

SC No. 192/2021
FIR No.319/2020
PS Nabi Karim
U/s 302/34 IPC
State Vs. Sachin Solanki @ Vishu & Ors.

04/09/2021

File taken up today on the bail application u/s 439 Cr.P.C. of accused Sandeep for grant of interim bail for the period of six weeks.

(Proceeding of the matter has been conducted physically in terms of circular No. 569/RG/DHC/2021 dated 19/08/2021 of the Hon'ble High Court of Delhi and circular No.1150/46951-47141/DJ/ (HQ)/ Covid Lockdown/ Physical Courts Roster/2021 dated 20/08/2021 of the Ld. District & Sessions Judge (HQ), Tis Hazari Courts, Delhi.)

(Physical Hearing)

Present: Sh. Santosh Chauhan, Ld. Substitute Addl. P.P. for the State.

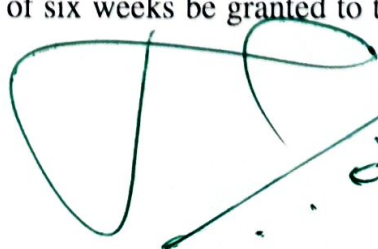
None has appeared on behalf of the accused Sandeep.

Assistant Ahlmad is on leave today.

By way of present order, this Court shall dispose of interim bail application of the accused Sandeep.

Arguments have already been heard on the aforesaid interim bail application of accused Sandeep. Perused the material available on record.

During the course of arguments on the aforesaid interim bail application, it was submitted by counsel for the accused Sandeep that the accused has filed the present interim bail application on his medical grounds. It was further submitted that the accused has been falsely implicated in the present case. It was further submitted that accused has been diagnosed and suffering from stones in his kidney, which is of 15 mm size and the same is causing Hydronephrosis i.e. retention of urine, acute abdominal pain and even constant vomiting and nausea. It was further submitted that the accused has also been advised surgery for the same, but on account of his incarceration in jail and because of pandemic situation, the surgery of the accused could not be performed in the jail. It was further submitted that accused is not involved in any other case of any nature. It was further submitted that the interim bail for the period of six weeks be granted to the accused for the


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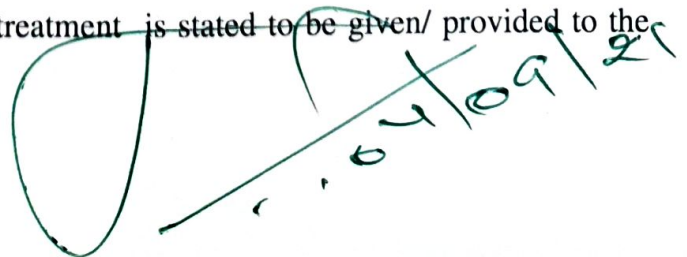
purpose of his surgery/treatment and accused shall be abide by all terms and conditions, if the interim bail is granted to the accused and accused shall surrender after the interim bail period.

During the course of arguments on the aforesaid interim bail application, it was submitted by Addl. P.P. for the State that the allegations against the accused are serious in nature and he can abscond, if the interim bail is granted to him. It was further submitted that the accused has been provided requisite / proper treatment for his ailments and tentative date of admission of the accused in the hospital is 17/09/2021 and tentative date of the surgery is 22/09/2021. It was further submitted that interim bail has to be granted in exceptional circumstances and in the present interim bail application, the accused has not mentioned any exceptional circumstances and the present interim bail application of the accused be dismissed.

By way of the present interim bail application, the accused Sandeep has prayed for interim bail for the period of six weeks for the purpose of his medical treatment. It is well settled law that interim bail has to be granted in a very exceptional and extraordinary circumstances warranting the immediate release of the accused to deal with any unforeseen contingency and interim bail cannot be granted in a mechanical manner. In the present case, report/reply of the present interim bail application was called from the concerned Jail Superintendent, Medical Officer In-charge, Tihar, New Delhi, SHO/IO and treating doctors and reports were filed. Latest report dated 26/08/2021 was received from treating doctors, Vardhman Mahavir Medical College and Safadarjung Hospital, New Delhi wherein it is mentioned that *"The patient (Sandeep) is diagnosed to have right renal stone (9x8 mm) and bronchial asthma. He visited the urology OPD on 20/06/2021(OPD number 231277) with complaints of right flank pain and hematuria and was already a known case of right renal stone for the past one year (as per noted on the OPD card). He underwent evaluation at Safardarjung Hospital (CT scan No. 23623 on 16/04/2021) and was found to have right renal calculi 9x8 mm in the lower pole of the kidney. He again visited urology OPD (OPD no. 17283) on 03/08/2021 and was counseled for the treatment of right renal stone. As per the CT scan and as per the assessed condition of the patient on the day he*

visited the urology OPD, the deemed procedure was not found to be urgent and a routine date was provided to the patient. In this abovementioned condition of the patient, the patient was counseled for ESWL (shock wave lithotripsy). The procedure is non-invasive, needs no anaesthesia and has low risk profile to the patient but the success rate to break the stone is around 70%. However, the patient opted for surgery as he wanted better success rates of stone clearance (as documented on OPD slip of 3/08/2021). The procedure which can be undertaken in the present condition of the patient, at Safardarjung hospital, is PCNL (percutaneous lithotripsy). This procedure requires anaesthesia and a hole is made in the back for removal of stone. The 3rd option, RIRS (retrograde intra-renal surgery), is not currently available at Safardarjung hospital. The tentative date of admission is 17/09/2021 and the tentative date of surgery is 22/09/2021. The patient will be reassessed after admission by the anaesthesia team for fitness of surgery, as he is case of asthma, and if found fit (no exacerbation of asthma) will probably undergo surgery on 22/09/2021. If there is recurrent pain and dysuria, as mentioned, a urine routine and culture and an ultrasound of the KUB region should be obtained to assess present status of the patient. However, in case there is acute increase in the pain or acute change in the condition of the patient or any deterioration in the condition of the patient in the intervening period, the patient can visit the Urology emergency at Safardarjung hospital, he will be properly evaluated and the required treatment will be provided at the earliest”.

On perusal of the aforesaid report dated 26/08/2021 filed by treating doctors, Vardhman Mahavir Medical College and Safadarjung Hospital, New Delhi, it is clear that the tentative date of the admission of the accused in the hospital is 17/09/2021 and tentative date of the surgery is 22/09/2021. On 26/08/2021, it was submitted by Dr. Siddharth Yadav, Associate Professor, Department of Urology and Renal Transplant, Safadarjung Hospital, New Delhi that date of admission of the accused in the hospital is given for 17/09/2021 and surgery of the accused will be conducted thereafter and at present, there is no urgency for surgery of the accused. The date of the admission of the accused in the hospital is not so far away and as per submissions of Dr. Siddharth Yadav, at present, there is no urgency for surgery of the accused. Requisite medical treatment is stated to be given/ provided to the

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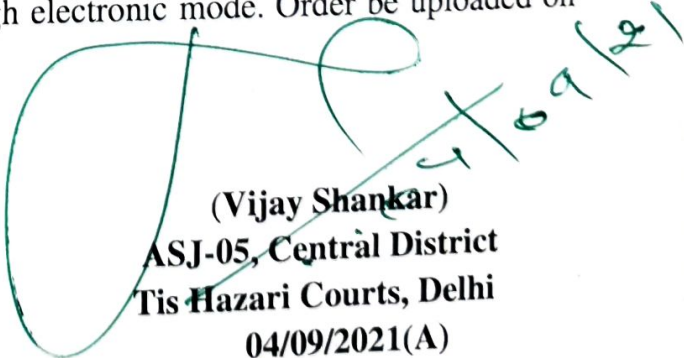
accused. During the course of the arguments, the counsel for the accused has not pointed out any deficiency in the treatment of the accused. In the present case, charge-sheet has been filed for the offence u/s 302/34 IPC. Keeping in view the facts and circumstances of the case, gravity of offence, nature of serious allegations levelled against the accused and medical reports of the accused, this Court is of the considered opinion that no ground for interim bail of accused Sandeep is made out at this stage. Accordingly, the present interim bail application of accused Sandeep is dismissed.

However, Jail Authorities are directed to provide the requisite/ necessary/ immediate medical treatment to the accused, as per his medical condition on priority basis. Jail Authorities are also directed to get the accused admitted in the Hospital inside the jail or outside the jail referral / Govt. hospitals on priority basis, if required, as per rules. In case, urgent surgery of the accused is required/ planned, the Jail Authorities are directed to make necessary arrangements for the same on priority basis. Jail Authorities are also directed to provide appropriate/requisite diet to the accused as per his medical condition.

In case, urgent admission/surgery of the accused is required/ planned prior to the aforesaid dates, the treating doctors of the Safdarjung Hospital are directed to make necessary arrangements for the same on priority basis.

The concerned Jail Superintendent and Medical Officer In-charge are directed to file further/ appropriate/ detailed report regarding medical condition of the accused, on the next date of hearing i.e. **17/09/2021**.

A copy of this order be sent to the concerned Jail Superintendent and treating doctors, Safdarjung Hospital for information and compliance. Counsel for the accused is at liberty to collect the copy of present order through electronic mode. Order be uploaded on the website of Delhi District Court.


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
04/09/2021(A)

CNR No. DLCT01-009668-2019
SC No. 169/2021
FIR No. 55/2019
PS DBG Road
U/s 302 IPC
State Vs. Rehman @ Rehan @ Sonu

04/09/2021

File taken up today on the bail application u/s. 439 Cr.P.C. of accused Rehman @ Rehan @ Sonu for grant of interim bail for the period of 90 days as per H.P.C. guidelines.

(Proceeding of the matter has been conducted physically in terms of circular No. 569/RG/DHC/2021 dated 19/08/2021 of the Hon'ble High Court of Delhi and circular No. 1150/46951-47141/DJ/(HQ)/Covid Lockdown/Physical Courts Roster/2021 dated 20/08/2021 of Ld. District & Sessions Judge (HQ), Tis Hazari Courts, Delhi)

(Physical Hearing)

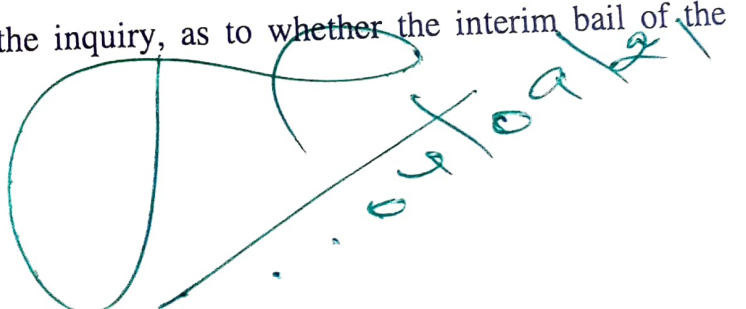
Present: Sh. Santosh Chauhan, Ld. Substitute Addl. P.P. for the State.
None has appeared on behalf of the accused Rehman @ Rehan @ Sonu.

Assistant Ahlmad is on leave today.

By way of present order, this Court shall disposed of interim bail application of the accused Rehman @ Rehan @ Sonu.

Arguments have already been heard on the aforesaid interim bail application of the accused Rehman @ Rehan @ Sonu. Perused the material available on record.

During the course of arguments on the aforesaid interim bail application, it was submitted by counsel for the accused that accused has been falsely implicated in the present case. It was further submitted that the accused was granted interim bail as per HPC guidelines by the Hon'ble High Court of Delhi vide order dated 09/07/2021 for the period of four weeks. It was further submitted that on 13/08/2021, when the accused reached at the jail for the purpose of the inquiry, as to whether the interim bail of the


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accused has been extended or not, he was wrongly taken into custody on 13/08/2021 ignoring the order dated 13/08/2021 passed by the Hon'ble High Court of Delhi in W.P. (C) No. 4921/2021. It was further submitted that in terms of directions dated 07/05/2021 given by the Hon'ble Supreme Court of India in Suo Moto Writ Petition No.(C)1/2020 and minutes of H.P.C guidelines dated 04/05/2021 and 11/05/2021, the accused is still entitled for interim bail and accused be released on interim bail for the period of 90 days. It was further submitted that case of the accused falls in the criteria no. (xii) of minutes of HPC guidelines dated 11/05/2021. It was further submitted that the accused is in J/C in the present case for the period of more than two years and four months. It was further submitted that the accused shall be abide by all terms and conditions, if the interim bail is granted to the accused and accused shall surrender after the interim bail period.

During the course of arguments on the aforesaid interim bail application, it was submitted by Addl. P.P. for the State that allegations against the accused are serious in nature and present interim bail application of the accused be dismissed. It was further submitted that vide order dated 09/07/2021 passed by the Hon'ble High Court of Delhi, interim bail for the specific period of four weeks was granted to the accused and by way of the present application, the accused is seeking review/modification of the order dated 09/07/2021 passed by the Hon'ble High Court of Delhi. It was further submitted that in criteria no. (xii) of the minutes of H.P.C. guidelines dated 11/05/2021, it is specifically mentioned that there shall be no involvemet in any other case, however, the accused is involved in other cases also and in view of the same, the aforesaid interim bail application of the accused is not maintainable and same be dismissed.

In the present case, charge for the offence u/s 302 IPC was framed against the accused Rehman @ Rehan @ Sonu.

In the present case, reply/report of the present interim bail application was called from the concerned SHO/IO and Jail Superintendent and same were filed.

Vide order dated 03/06/2021 passed by the Ld. Vacation Judge/ASJ(FTSC) (POCSO)-01, Central District, Tis Hazari Courts, Delhi, the interim bail application of the



accused as per HPC guidelines was dismissed by observing that the accused is not covered within the guidelines laid down by High Powered Committee of Hon'ble High Court.

Vide order dated 09/07/2021 passed by the Hon'ble High Court of Delhi, interim bail for the specific period of four weeks was granted to the accused and by way of the present application, the accused is seeking review/modification of the order dated 09/07/2021 passed by the Hon'ble High Court of Delhi. This Court has no power to review/modify the order dated 09/07/2021 passed by the Hon'ble High Court of Delhi.

In view of the same, the present interim bail application of the accused Rehman @ Rehan @ Sonu is not maintainable and same is dismissed.

A copy of this order be sent to the concerned Jail Superintendent through e-mail for information and necessary action. Copy of order be also sent to DLSA, Central District, Delhi. Counsel for the accused is at liberty to collect the copy of present order through electronic mode. Order be uploaded on the website of Delhi District Court.



(Vijay Shankar)

ASJ-05, Central District

Tis Hazari Courts, Delhi

04/09/2021(A)