

SC No. 96/18

State Vs. Rahul @ Sumit & Ors.

FIR No. 2/18

PS: Crime Branch

U/s. 364-A/201/120-B/34 IPC

23.03.2021

File taken up today on an application filed under Section 439 Cr. PC on behalf of the applicant/accused Rahul @ Sumit.

Present: Sh. S.K. Kain, Additional PP for the State.

Sh. Pankaj Srivastav, Advocate for the applicant/accused.

By virtue of filing the present application, the applicant is seeking interim bail on the ground of his medical ailments.

Status Report qua the medical condition of the applicant was called from the Superintendent Jail, whereby, it is stated that at present, applicant is suffering from bronchial asthma, nasal blockage, on and off nasal discharge, trigeminal neuralgia/episodic migraine with pansinusitis with left maxillary polyps with bilateral blocked osteomeatal complexes with right side DNS. It is therefore prayed that the present application be allowed and the applicant be granted interim bail for getting himself treated from a private hospital.

On the other hand, the application has been opposed by the learned Additional PP arguing that the present application is nothing but is an abuse to the process of law, as earlier also, the applicant was granted interim bail for four weeks on the same grounds and was given an opportunity to take treatment from a private

hospital. However, he has failed to avail the said opportunity and therefore now he may not be granted interim bail on the same grounds again. It is therefore prayed that the present application be dismissed.

To refute the aforesaid submissions made by the learned Additional PP, it has been submitted by the learned defence counsel that immediately after being released from the custody, the father of the applicant had expired on 24.12.2020 and therefore most of his time was consumed in performing the last rites and ceremonies of his father, and thereafter, he had met with an accident and got his leg fractured and hence the treatment for the ailments, as mentioned in the reply so filed, could not be taken by the applicant during the said period.

Considering the totality of facts and circumstances, taking note of the reply filed by the IO and in terms of the medical status report qua the applicant so received from the Jail Superintendent, in the interest of justice, the present application is allowed and the applicant/accused Rahul @ Sumit is granted interim bail for a period of four weeks from the date of his release on his furnishing a personal bond in the sum of Rs. 30,000/- with one local surety of the like amount on the following terms and conditions:-

- i) that the applicant shall not try to hamper the investigation or tamper with the evidence;
- ii) that applicant shall not directly or indirectly, make any inducement, threat or promise to the complainant or any person / witness of the prosecution;

- iii) that the applicant shall join the investigation as and when required or so intimated by the IO through notice ;
- iv) that he shall furnish his mobile phone number to the police/IO/SHO against acknowledgement which shall be kept operational at all times, so that the police could contact him ;
- v) that in case he changes his mobile number or residential address or work place, he shall inform the IO/SHO or to the learned trial court forthwith ;
- vi) that he shall surrender before the jail authorities on the expiry of interim bail period;

The application accordingly disposed of as allowed.

Copy of the order be sent to the applicant/accused through Superintendent Jail for information as also to all the parties concerned.

In addition, dasti be also given.

(Anil Antil)

ASJ-04/NDD/PHC/ND

23.03.2021