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

+ **BAIL APPLN. 1036/2020 (URGENT)**

KAVI ARORA

..... Petitioner

Represented by: Mr. Sudhir Nandrajog, Sr. Adv.
with Mr. R.S. Randhawa, Adv.

Versus

STATE

..... Respondent

Represented by: Mr. Rahul Mehra, Standing
Counsel (Crl.) with Ms. Neelam
Sharma, APP for State.
Mr. Nidhesh Gupta, Sr. Adv.
with Mr. Anurag Misra, Adv.
for complainant.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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08.06.2020

1. The hearing has been conducted through video conferencing.
2. An application has been filed on behalf of the applicant under section 439 read with section 482 Cr.P.C. for grant of interim bail in pursuance to FIR No.50/2019 registered at Police Station EOW for the offences punishable under section 409/420/120B IPC.
3. Vide order dated 08.05.2020 passed in Bail Application No.810/2020, this Court dismissed the said application, however, directed the jail authorities to carry out necessary medical investigation within a period of two weeks and if required petitioner may be examined at any of the Super Speciality Hospitals and his medical report shall be communicated to

petitioner. Further even any dietary recommendations are made by the concerned doctor, jail authorities shall ensure that the same are followed and if necessary at the cost of the petitioner (as volunteered on his behalf).

4. Since the petitioner was not satisfied with the treatment being given to him in the jail through jail authorities, he filed the present petition, however, vide order dated 28.05.2020 this court directed the Jail Superintendent concerned to provide medical reports/tests undergone and the treatment being given to the petitioner but the grievance of the petitioner is that not even a single document after the said order has been provided to the petitioner.

5. Accordingly, vide order dated 02.06.2020, this Court again directed the respondent State to provide medical reports/tests undergone and treatment being given to the petitioner in jail after 08.05.2020 to counsel for the petitioner within three days.

6. Mr.Sudhir Nandrajog, learned senior counsel appearing on behalf of the petitioner submits that X-ray and ultrasound reports of the petitioner have not been provided and health of the petitioner is deteriorating day-by-day in jail and because he had not been given proper treatment, his immunity has gone down and thus vulnerable to coronavirus.

7. Though Mr.Rahul Mehra, learned Standing Counsel (Crl.) appearing on behalf of State submits that proper treatment is being given in jail and if further treatment is required, that will be provided to the petitioner from the appropriate hospital.

8. It is not in dispute that after his admission in judicial custody, petitioner has lost 25 kgs. of weight, accordingly, I hereby direct the Director of AIIMS to constitute a medical board and file a report specifying

therein whether petitioner is getting proper treatment including diet required for such a patient and also specify whether any surgery is required immediately.

9. Jail Superintendent concerned is directed to provide all medical documents/test reports to the Board for deliberation and consideration.

10. Let a report be filed at least two days before the next date of hearing.

11. Renotify on 18.06.2020.

12. It is made clear that if Medical Board requires the presence of the petitioner, jail authorities are directed to produce him before the Board accordingly.

13. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through email.

SURESH KUMAR KAIT, J

JUNE 08, 2020/ab