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

+ BAIL APPLN. 2525/2022
ARVIND YADAV

..... Petitioner

Through: Mr. Aditya Aggarwal and Mr. Ritik
Tiwari, Advocates

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through: Mr. Ritesh Kumar Bahri, APP for the
State with SI Sudhir Kumar

CORAM:

HON'BLE MS. JUSTICE ASHA MENON

ORDER

05.09.2022

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1. The application has been moved by the accused in FIR No. 0061/2019 registered by P.S. Crime Branch under Sections 21/25/29 of NDPS Act, 1985.

2. Mr. Aditya Aggarwal, learned counsel for the applicant submits that the applicant is suffering from Herpes. The Medical Report placed on the record dated 30th August, 2022 also reflects that the applicant is in fact suffering from Herpes and suffering from lesions and pain and that Herpes is a contagious disease.

3. Issue notice.

4. Notice is accepted by Mr. Ritesh Kumar Bahri, learned APP for State.

5. Learned APP for the State opposes the application submitting that the applicant is taking benefit of repeated interim bail orders and that the regular bail applications of the present applicant have been rejected even up to

the Supreme Court vide order dated 8th March, 2022. It is further submitted that in keeping with the directions of the Supreme Court the trial is also almost complete, as only three witnesses remain to be examined. The next date of hearing before the learned Trial Court is 20th September, 2022. Hence, it is submitted that the bail be not granted.

6. After hearing the submissions of both sides, it is considered that since Herpes is a contagious disease and irrespective of the fact that the applicant has been granted interim bail on occasions, which admittedly he has not misused, and his regular bail application has also been rejected, the fact that a person suffering from a contagious disease is continued to be allowed to stay in the jail with no provision for quarantine is a matter of concern. The IG Prisons (Delhi) is directed to ensure that such isolation medical wards or quarantine zones are created in all jails so that there is no compelling need to release such accused who are facing trial for serious offences repeatedly on interim bail.

7. Since it is the Report of the Senior Medical Officer of the Jail that in cooler weather, the condition would improve, the application is allowed, granting interim bail to the applicant for a period of two months from the date of his release, on his furnishing a personal surety bond of Rs.1 lakh with one surety of like amount, to the satisfaction of the Learned Trial Court/Link Court/ Duty MM. The applicant shall also be bound by the following further conditions:-

- (i) The applicant shall not leave NCT of Delhi without orders of the learned Trial Court;
- (ii) The applicant shall also not delay the trial proceedings

during the time he is on bail and shall not directly or indirectly make any effort to reach out to any witness under any circumstance, and any such attempt such be construed as an attempt to interfere with the course of justice;

(ii) The applicant shall furnish his mobile phone/landline number and residential address as well as that of his surety to the I.O./SHO concerned and both shall keep their mobile/landline phones operational at all times during this period and in the event of any change of the same, will immediately inform the same to the I.O./SHO; and,

(iii) The applicant shall drop a pin location on Google Maps so that the location of the petitioner is available to the Investigating Officer.

(iv) The applicant shall surrender before the Jail Superintendant Mandoli, without fail, on the expiry of the two weeks interim bail.

8. A copy of this order be forwarded to the Jail authorities for information of the applicant, as well as to the learned Trial Court through electronic mode.

9. The application is disposed of.

10. The order be uploaded on the website forthwith.

ASHA MENON, J

SEPTEMBER 5, 2022

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