

**IN THE COURT OF SH. SUSHIL KUMAR
ADDL. SESSIONS JUDGE04, NORTH-DISTRICT, ROHINI
COURTS, DELHI.**

CNR No.:DLNT01-006875-2021

SC No. 436/2021

STATE Vs. Sushil Kumar & Ors.

FIR No. 218/2021

PS Crime Branch-North Delhi

**U/s: 302/307/308/364/365/452/323/342/188/
269/147/148/149/506(II)/392/394/397/411/201/109/120B/34 IPC**

U/s 25(1)(B)/27(1)Arms Act

19.07.2023

(File taken up today on an application U/s. 439 Cr. P. C for grant of interim bail moved on behalf of applicant/accused Sushil Kumar).

Present: Sh. Pankaj Kumar Ranga, Ld. Addl. PP for the State.
Sh. Sumeet Shokeen, Ld. Counsel for
applicant/accused Sushil Kumar.

Vide this order, this Court shall decide the application U/s 439 Cr. PC for grant of interim bail moved on behalf of applicant / accused Sushil Kumar.

It is submitted by ld. counsel that the present application is being filed on behalf of the applicant purely on medical and humanitarian ground. He has further submitted that applicant / accused is suffering from tear of anteromedial bundle of anterior cruciate ligament (ACL) since August, 2016 and since then he has been clinically treating the same. It is further submitted that due to the present situation of the injury of the applicant / accused Sushil Kumar, he was advised to undergo

surgery for the same on 06.04.2022 but due to the demise of the father of the applicant / accused Sushil Kumar during that time, he could not undergo the surgery at that time. It is further submitted that now the situation of the applicant / accused has worsened and at present, the applicant / accused has 20%-30% tear of the ACL in his right knee with minimal free fluid in the popliteal fossa and myxoid degeneration of the posterior horns of medial and lateral menisci due to which the movement of the right knee is greatly effected and restricted to a minimum. It is further argued that applicant / accused Sushil Kumar at present is unable to walk without support and put weight on his right knee due to which surgery as mentioned above is required to be carried out at the earliest. It is further submitted that the date of MRI for applicant / accused given by Safdarjung Hospital, Delhi is given as 07.01.2024 where he was taken from Central Jail New Delhi and due to the same, the applicant / accused took a second opinion of a reputed private hospital i.e., at BLK Max Super Specialist Hospital, Pusa Road, New Delhi where he can get the best of treatment from reputed doctors at the earliest. It is further submitted that applicant / accused Sushil Kumar has been advised for admission on 24.07.2023 for getting his surgery on 26.07.2023 and that the relevant medical documents pertaining to the same has also been got verified by the IO and same is found to be genuine.

It is further submitted that the applicant / accused

was previously released on interim bail on two occasions which was never misused by him and he had surrendered immediately after the expiry of the interim bail period. It is further submitted that during the period, applicant / accused stayed on interim bail, no complaint of any kind from the family of the complainant or other victims made against the applicant / accused which in turn shows the conduct of the applicant / accused. It is further submitted that most of the material witnesses have already been examined before this Hon'ble Court and PW-2 Bhagat Singh and PW-3 Ravinder have not supported the case of the prosecution. It is further submitted that PW-1 Jai Bhagwan @ Sonu has been examined-in-chief and since then, he has not been appearing before this Hon'ble Court for his cross-examination and he has been deliberately delaying the matter for the reasons best known to him. He has further submitted that investigation in the present case has already been completed and no prejudice would be caused to complainant in case the present interim bail application of applicant / accused is allowed. He has also submitted that applicant/accused undertakes to surrender on time. Hence, he has prayed for grant of interim bail for 45 days on medical grounds to facilitate the surgery and for his proper medical treatment.

On the other hand, Ld. Addl. PP for the State along with IO of the present case has opposed the interim bail application on the ground that there is video clipping of the incident in which applicant / accused Sushil Kumar is seen

beating the deceased Sagar and injured Jaibhagwan @ Sonu with a 'Danda'. He has further submitted that MLCs of injured Jai Bhagwan @ Sonu Mahal also indicate that they were beaten mercilessly with the intention to kill and applicant / accused also exhorted his associates to kill them. He has further submitted that injured persons namely Jaibhagwan @ Sonu, Ravindra @ Bhinda, Bhagat @ Bhagtu and Amit @ Khagad and other eye-witnesses categorically named applicant / accused Sushil Kumar and explained his role in the commission of offence of the present case in their statements recorded U/s 161 Cr. PC. He has further submitted that location of mobile phones of applicant / accused Sushil Kumar was also found to be at various spots at the relevant time and date in the present case. It is further submitted that the vehicles of applicant / accused Sushil Kumar which he used in the commission of offence were recovered from the spot. It is further submitted that applicant / accused Sushil Kumar is the King pin of the present case and he conspired along with other co-accused persons, arranged men and weapons including dreaded criminals of Haryana and Delhi, abducted the victims and committed this offence and this fact was corroborated by the presence of about 20 culprits at the spot with weapons and recovery of seven vehicles from the spot belonging to various culprits arrested in the present case. It is further submitted that several mobile phones and weapon were recovered from these vehicles at the spot.

It is further argued by Ld. Addl PP for state that applicant / accused Sushil Kumar fled from the spot along with his associates and caused disappearance of the evidence i.e., clothes, mobile phones, weapon of offence, DVR etc., to screen themselves. It is further submitted that this is a very serious case in which 20 accused persons have already been arrested, so far and charge-sheet has been filed against 21 accused persons. It is further submitted that applicant / accused is a very influential and high profile persons and there is likelihood that he may influence the witnesses and he is globetrotter and may jump the interim bail, if granted to him. It is further submitted that victim / witness Jaibhagwan had categorically named applicant / accused and explained his role in the commission of offence of the present case.

Ld. Counsel for the complainant submitted that in the present case the Hon'ble High Court of Delhi has also recognized threat perception to the victim and had ordered for appropriate security of the witnesses. It is further submitted by the counsel for the complainant that the High Court had also given the complainants liberty to move application for examination of witnesses being done through VC.

Submissions Heard. Record Perused.

The present interim bail application has been filed on the ground of surgery of applicant / accused Sushil Kumar owing to tear of anteromedial bundle of anterior cruciate

ligament (ACL) which is scheduled for 26.07.2023. The medical documents annexed with the application have been got verified from the concerned hospital by the IO. Perusal of the medical documents of the applicant / accused Sushil Kumar shows that he has been advised for admission on 24.07.2023 as surgery on 26.07.2023 at BLK Max Supe Specialist Hospital, Pusa Road, New Delhi. It is further important to mention that medical status report was also called from the office of Jail Superintendent concerned and a detailed report has been received from Jail Superintendent concerned which shows that applicant / accused Sushil Kumar was also referred to Sports Injury Centre at Safdarjung Hospital, New Delhi. Documents pertaining to the knee injury of applicant / accused prepared at Safdarjung Hospital has also been verified by the IO and perusal of the same also shows that applicant / accused Sushil Kumar is suffering from partial ACL tear right knee and he needs elective surgery for the same. **Therefore, keeping in view the present medical condition of the applicant/accused, it is ordered that he be released on interim bail for a period of one week w.e.f., 23.07.2023 to 30.07.2023 only on furnishing personal bonds in the sum of Rs.1 Lakh with two sureties in the like amount. Applicant / accused is directed surrender before the concerned Jail Superintendent after expiry of interim bail period i.e. on 30.07.2023. Keeping in view the threat perception of the witnesses and also considering the safety**

and security of the accused himself at least two security personnel shall be present with him round the clock to keep vigil over the applicant / accused Sushil Kumar. The entire expenditure of deployment of security persons / police men for keeping surveillance and security of applicant / accused shall be borne by the family members of applicant / accused Sushil Kumar and the amount will be deposited as per the norms of concerned Jail Rules Charges and the said amount be deposited with the concerned Jail Superintendent in advance. He is further directed not to threaten the prosecution witnesses or tamper with evidence or indulge in any such crime. The applicant/accused shall share his phone's live location as and when required by the IO. In case, it is prima facie brought to the notice of the Court that the applicant/accused is violating the said conditions, the interim bail granted to him shall be liable to be cancelled. The bail application is disposed of accordingly.

The same be tagged with the main file.

Copy of the order be sent to the concerned Jail Superintendent for information and compliance.

**(Sushil Kumar)
Addl. Sessions Judge-04
North District Rohini Courts Delhi
19.07.2023 (RG)**