

IN THE COURT OF SH. CHANDRA SHEKHAR, LD. SPECIAL JUDGE,  
CBI-19 (PC ACT), ROUSE AVENUE DISTRICT COURTS, NEW DELHI

ECIR/HQ/19/2017

U/S: 3, 4 PMLA, 2002

Deepak Talwar etc. v. Directorate of Enforcement

26.03.2020

Presence:

(Through Zoom Meeting App)

Ld. Defence Counsel Mohd. Tanveer Ahmed Mir for applicant/  
accused Deepak Talwar.


Ld. Special Public Prosecutor Sh. Nitesh Rana and Ld. Special  
Counsel Sh. Amit Mahajan for Enforcement Directorate.

ORDER ON APPLICATION U/S 439 Cr.P.C. SEEKING INTERIM BAIL ON  
MEDICAL GROUNDS

Today I have heard an interim bail application of accused  
Deepak Talwar in the aforesaid case through Zoom Meeting App  
facilitated by Ld. District & Sessions Judge-cum – Special Judge ( PC

Ms. Sujata Kohli, Rouse Avenue District Courts, New Delhi due



  
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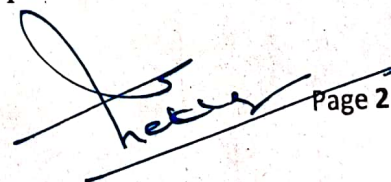
to spreading of Corona Virus (COVID-2019), special measures taken by the Govt. to prevent it by ordering a nationwide lockdown for twenty one days since 25.03.2020 and instructions issued by Ld. District Judge to work from home.

An endeavour was made to record the proceedings, but the same could not be possible, due to some technical issue, however Ld. Counsel for the parties submitted that it is not necessary to record the proceedings and they are ready to make their submissions through video conferencing. Therefore, I have heard the submissions of both the parties on Zoom Meeting App through Video Conferencing in between 02.30 pm onward till 03.45 pm and seen the judicial record sent on my mobile phone through Whats App.

Ld. Defence Counsel Sh. Tanveer Ahmed Mir on behalf of accused Deepak Talwar has submitted that though he has filed an application seeking regular bail to the accused but the same may be considered as an interim bail application seeking interim bail for two months on medical grounds in view of extraordinary circumstances created due to spread of Corona Virus (COVID-2019). The request of the Ld. Counsel was allowed.

Ld. Defence Counsel, in brief has submitted that the accused is aged above sixty years, he is a heart-patient, diabetic and a patient of hypertension due to which his immunity system is very weak and therefore, he needs a special care and attention, which can be provided to him only by his family members and friends. The Hon'ble Supreme Court and Hon'ble High Court of Delhi vide recent separate orders have given directions to the concerned authorities of State and Union territories to make a provision to release the convicts on parole for greater period and

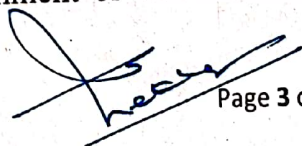


  
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release the under trial prisoners on interim bail in existing special circumstances. The medical report sent by the Superintendent jail concerned on 23.03.2020 to the court of Sh. H. S. Bhalla, Ld. CMM, Rouse Avenue District Courts, New Delhi shows the medical condition of the accused; the said court has already granted interim bail to the said accused in another matter. Therefore, the accused may be admitted on interim bail on medical grounds for a period of two months.

Ld. Special Counsel Sh. Amit Mahajan for Enforcement Directorate has submitted that Ld. Defence Counsel for the accused has not moved any separate application seeking interim bail for two months on medical grounds and if he moves any such application, the Enforcement will file written reply opposing the same, there is nothing in the pending application which shows that the Jail Authorities concerned are not taking due care of the accused; Ld. Defence Counsel has not stated that the concerned jail authorities are not taking requisite care of the accused which is required in the special circumstances due to spread of Corona Virus; the accused is a heart-patient, a patient of hypertension and diabetes; all these things have not recently emerged; the accused is allegedly undergoing these ailments for considerable time; the medical report dated 23.03.2020 is not a current report; a fresh medical report from the concerned jail Superintendent may be called for consideration of the oral prayer made by the Ld. Defence Counsel seeking interim bail on medical grounds; the accused is having a history of even tampering the medical conditions and refusal to take proper medicines provided to him in the jail. The Hon'ble Supreme Court or the Hon'ble High Court have not passed any general order directing the subordinate courts that all the convicts or the under trial prisoners who are over sixty years of age and are suffering from heart disease, hypertension or diabetes, be released on interim bail; only directions have been issued by the Hon'ble Higher Courts to the Government or the concerned



  
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authorities to make a policy to release the under trial prisoners on interim bail for greater period on parole or release the accused on interim bail; if the said Hon'ble Higher Courts were of the view that the under trial prisoners or the accused persons over the age of sixty years with the aforesaid ailments should be released on interim bail or on parole, they could have made such specific directions. Therefore, the application/oral prayer made by Ld. Defence Counsel may be disallowed.

I have considered the submissions of both the parties and perused the judicial records sent on my Mobile Phone through Whats App. Undoubtedly, on humanitarian considerations, bail or interim bail may be granted to the accused on medical grounds even if there are serious and grievous allegations against him. The spreading of corona virus all over the world is a special circumstance, which is also considered, while hearing the interim application. But, it is significant that Ld. Counsel for the accused has not alleged that concerned Jail Authorities are unable to provide adequate medical facilities to the accused for his general ailments or to take measures to protect him from novel corona virus (Covid 2019). The Medical Report dated 23.03.2020 sent to the court of Shri H.S. Bhalla, Ld. CMM Rouse Avenue Courts, Delhi in an another matter does not suggest any such inference, rather it shows that accused has been provided time to time adequate medical treatment. As per aforesaid medical record the accused had undergone bypass surgery in 2016 and is having alleged ailments since then. The general medical condition of accused as per aforesaid medical record seems to be stable. The accused on 21.03.2020 had made complaints of sore throat and fever and he was provided proper medical treatment in jail and his condition is periodically being reviewed. In view of the aforesaid circumstances and in absence of any medical report or opinion that Jail Authorities are unable to provide proper medical

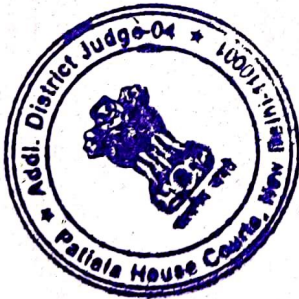


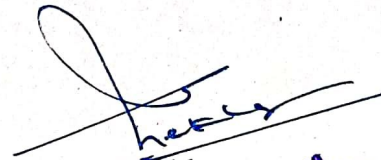
*[Handwritten signature]*

treatment or facilities to the accused or to take adequate measures to protect him from Covid 2019, it seems it shall not be proper to grant interim bail to the accused. Therefore, pending bail application of accused seeking interim bail is dismissed and disposed of accordingly with the directions to the concerned Supdt. Jail to take a medical opinion of the concerned doctor and if the need be accused may be tested for novel Covid 2019 and appropriate medical facility/treatment may be provided to the accused.

The order of dismissal of the aforesaid application was announced through Zoom Meeting App at 06.04 pm to Ld. Counsel of both the parties. A copy of this order is being sent through What App to Sh. Ram Pher, Judicial Assistant, Judicial Branch, Rouse Avenue District Courts, New Delhi with a direction to him to sent a copy of the same on the Whats App of Ld. Counsel of both the parties as prayed by them and the order be uploaded on official website of Delhi District Courts at the earliest. A signed hard copy of the order shall be sent to the concerned court as soon as work is resumed from the Court premises of Rouse Avenue District Courts, New Delhi.

Dated 26.03.2020



  
Chandra Shekhar

श्री चन्द्र शेखर  
Sh. Chandra Shekhar  
विशेष न्यायाधीश, एटाकात निवारण अधिनियम (सी.बी.आई.)-१९  
Special Judge PC Act (CBI)-19  
कमरा नं. 404, चौथी मंजिल  
Room No 404, 4th Floor  
राऊज एवेन्यू न्यायालय परिसर  
Rouse Avenue Court Complex  
नई दिल्ली  
New Delhi

CBI-19 (PC Act), Rouse Avenue District Courts, New Delhi