



2026:DHC:6472



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 10.08.2026

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CNR No. DLHC010265592026

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BAIL APPLN. 2334/2026**YOGESH @ MONU @ HARVINDER****.....Petitioner**

Through: Mr. Jitendra Kumar Singh, Advocate
(*through video conferencing*)

versus**THE STATE GOVT. OF NCT OF DELHI****.....Respondent**

Through: Mr. Sanjeev Sabharwal, APP for State
with Inspector Umesh Yadav and SI
Vinod Bhati
Ms. Bindita Chaturvedi and Ms.
Gauri Kumar, Advocate for victim

CORAM: JUSTICE GIRISH KATHPALIA**J U D G M E N T (ORAL)**

1. The orders passed today in the first two calls are extracted below:

"1. The accused/applicant seeks interim bail for a period of eight weeks in case FIR No.201/2021 of PS Maidan Garhi for offence under Section 376 IPC and Sections 6/9/10/21 POCSO Act.

2. Despite last order, the SMO Dr. Rakesh has not appeared personally to explain the medical status report, which report seems to be more of an advocacy for the accused/applicant and not just the medical status report. Dr. Sahil, who signed the medical status report dated 06.07.2026, declaring himself to be the Senior Medical Officer is present and admits that he is not SMO. Further, it appears from the said medical status report that the accused/applicant is suffering with multiple ailments,



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for which he is being treated by super-speciality hospitals of the government, so it needs to be ascertained as to whether the accused/applicant would get better treatment if released on interim bail. But Dr. Sahil is unable to explain this.

3. *Jail Superintendent Mangal Sain is present and seeks a passover to call the SMO.*

4. *As requested, matter is passed over.*

GIRISH KATHPALIA, J

AUGUST 10, 2026/as

5. *None appears in this second call, so matter is again passed over.*

GIRISH KATHPALIA, J

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2. In this third call, counsel for accused/applicant has appeared and I have heard him as well as learned prosecutor assisted by IO/Inspector Umesh Yadav. I have also heard learned counsel for father of the deceased victim.

3. The accused/applicant seeks interim bail on medical grounds for a period of 08 weeks or more in case FIR No.201/2021 of PS Maidan Garhi for offence under Section 376 IPC and Sections 6/9/10/21 POCSO Act.

4. Broadly speaking, the allegation against the accused/applicant is that he raped a minor girl, who gave birth to a child and paternity of the child was allegedly established on the basis of DNA analysis. But unfortunately, the victim girl as well as the child passed away. As per record, repeated



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interim bail applications were filed by the accused/applicant after he failed to secure regular bail. The present interim bail application has been filed on the ground that the accused/applicant is suffering with multiple ailments.

5. On 13.07.2026, this court directed personal appearance of the Senior Medical Officer to explain the medical status report dated 06.07.2026 especially, the ailments and nature thereof. The Senior Medical Officer was directed to appear on 27.07.2026 along with complete medical record of the accused/applicant and jail authorities were directed to provide best possible medical treatment to the accused/applicant in the meanwhile. But on 27.07.2026, neither the Senior Medical Officer nor any *pairvi* officer from jail appeared, so fresh directions were issued for appearance of the Senior Medical Officer and the Jail Superintendent.

6. Today in the first two calls, the Senior Medical Officer did not appear and on his behalf one Dr. Sahil appeared. It is now in third call that Senior Medical Officer Dr. Rakesh Kumar has appeared.

7. The purpose of calling the Senior Medical Officer was to hear him as regards the ailments allegedly suffered by the accused/applicant and also because the medical status report dated 06.07.2026 appears to be unusually long and rather a procured one, in which the efforts somehow are to advocate the cause of the accused/applicant for this interim bail. Secondly, according to this medical status report, the accused/applicant is already being treated by super speciality hospitals for different ailments, so it needs



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to be ascertained as to what better treatment can possibly be given if the accused/applicant is released on interim bail.

8. But more shockingly, today it got revealed during the hearing that Dr. Sahil, who signed the medical status report dated 06.07.2026 as Senior Medical Officer, does not hold that rank. However, Dr. Sahil emphasises that the doctors in the jail always sign such reports declaring themselves as Senior Medical Officer. This is certainly not acceptable. It is not a case where the medical status report described Dr. Sahil as “*for* Senior Medical Officer”. The concluding part of the medical status report clearly describes him as Senior Medical Officer. It is also stated by Dr. Sahil that the stamp used by him bore his designation as Medical Officer Incharge. But that is irrelevant insofar as not just the concluding page of the medical status report, but also the covering page of the report shows that it is from Senior Medical Officer.

9. Be that as it may, in response to a specific query as to whether the accused/applicant can get medical treatment better than the one already being administered by the super speciality hospitals, it is stated by the Senior Medical Officer Dr. Rakesh Kumar that at present, medical condition of the accused/applicant is stable and he has not suffered any further seizure or bleeding.

10. Despite the aforesaid, learned counsel for accused/applicant submits that he has a right to medical treatment from doctor of his choice. But on



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being called upon to state as to from which doctor or hospital, the accused/applicant wants his medical treatment, learned counsel is unable to disclose and seeks time to obtain instructions.

11. Considering the overall circumstances described above, the present interim bail application is dismissed for the following reasons. According to the SMO Dr. Rakesh Kumar, presently medical condition of the accused/applicant is stable and he did not suffer any further seizure or bleeding. According to both sides, the accused/applicant is being administered medical treatment by super speciality hospitals. As mentioned above, learned counsel for accused/applicant is unable to disclose as to from which doctor or hospital, the accused/applicant wants private treatment.

12. However, the Jail Authorities are directed to continue to ensure best possible medical treatment to the accused/applicant, which is indeed his fundamental right. As and when the accused/applicant is able to decide from which doctor or hospital he wants private treatment, he may file fresh application.

13. Copy of this order be sent to the Director General (Prisons) for information and necessary action.

**GIRISH KATHPALIA
(JUDGE)**

AUGUST 10, 2026/ry