



2025:DHC:9127



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

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Date of Decision: 14.10.2025+ **BAIL APPLN. 3636/2025**

VIPIN GUPTA @ RAHUL

.....Petitioner

Through: Ms. Nusrat Hossain and Ms. Sarv
Mangla, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Manjeet Arya, APP for State with
SI Shubhanshu, PS Kalyanpuri
Mr. Gaurav Dalal, Advocate for
complainant *de facto***CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. This is third application of the accused/applicant seeking interim bail on medical grounds. Since the earlier similar applications were dealt with by me, this application has been assigned despite change of roster.
2. The medical ground on which interim bail is sought by the accused/applicant is that he wants to get himself operated upon for Fistula.
3. The earlier two interim bail applications of the accused/applicant were dismissed as withdrawn. The second interim bail application was allowed to be withdrawn with certain directions to the police authorities, extracted below:

“7. Learned counsel for accused/applicant submits that the GTB



hospital had advised surgery. But the accused/applicant was taken to Max Vaishali as per his own choice.

8. Learned counsel for accused/applicant seeks permission to withdraw this application and requests for directions to keep producing the accused/applicant before the concerned doctor of Max Vaishali for appropriate medical treatment at his cost.

9. Under these circumstances, the application is dismissed as withdrawn with the direction to the jail authorities to take the accused/applicant to Max Vaishali as and when directed by the concerned doctor. In case the doctor at Max Vaishali is of the view that the accused/applicant should be operated upon, the jail authorities shall ensure to take the accused/applicant to that hospital and if the accused/applicant has to be admitted for surgery, that shall be allowed, though no family member or attendant shall contact the accused/applicant and two DAP guards from jail shall keep vigil outside the room/ward where the accused/applicant is admitted”.

4. Now, this third interim bail application has been filed on behalf of the accused/applicant on same medical ground.

5. It is contended on behalf of accused/applicant that now Max Vaishali Hospital has recommended the accused/applicant to be treated by the surgical team, which carried out the surgery in the year 2023. The said recommendation of Max Vaishali Hospital has not been filed with the application. However, the jail authorities have filed medical status report along with a copy of that recommendation dated 30.07.2025 of Max Vaishali Hospital, which reflects that there was healing and no active pus discharge was seen.

6. Further, as observed in last order, it appears that all these three applications were filed through *pairokars* and there is no authority signed by the accused/applicant in the name of any of the counsel. Learned counsel for accused/applicant submits that yesterday, she has filed *vakalatnama* duly



signed by the accused/applicant. If otherwise in order, the same be taken on record.

7. As per medical status report dated 09.10.2025, the accused/applicant was taken to GTB Hospital on 23.08.2025 for further management, where the doctors advised medication and review in LNJP Hospital, but the accused/applicant expressed his unwillingness to visit LNJP Hospital, therefore, he is being administered follow-up treatment from GTB Hospital and jail dispensary.

8. Learned counsel for accused/applicant, on instructions of *pairokar (sister of the accused/applicant)* present in court, seeks permission to withdraw this application with the request that the accused/applicant may be taken to AIIMS for medical treatment. Learned prosecutor has no objection to this.

9. Accordingly, the application is dismissed as withdrawn with the directions to the jail authorities to produce the accused/applicant in AIIMS tomorrow itself for medical examination and treatment and thereafter produce him in the said hospital as and when directed by the doctor concerned. In case the doctor at AIIMS is of the view that the accused/applicant should be admitted and operated upon, the jail authorities shall ensure that no family member or attendant shall contact the accused/applicant and two DAP guards from jail shall keep vigil outside the room/ward where the accused/applicant is admitted.



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10. A copy of this order be sent to the concerned Jail Superintendent for compliance.

**GIRISH KATHPALIA
(JUDGE)**

OCTOBER 14, 2025/as