



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

AUGUST 10, 2026/rs"

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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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.

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(JUDGE)

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