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

+ BAIL APPLN. 3464/2024, CRL.M.A. 34021/2024

ADITYA KRISHNA

.....Petitioner

Through: Mr. Siddharth Aggarwal, Sr.
Advocate with Ms. Tanya Agarwal
and Ms. Arshiya Ghosh, Advocates

versus

DIRECTORATE OF ENFORCEMENTRespondent

Through: Mr. Manish Jain, Special Counsel for
Ed alongwith Mr. Sougata Ganguly,
Mr. Snehal Sharda and Mr. Gulnaz
Khan, Advocates

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

19.11.2024

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BAIL APPLN. 3464/2024

1. The learned senior counsel appearing on behalf of the applicant/petitioner submitted that despite directions from this Court, the respondent Department and the Jail authorities have failed to provide medical assistance to the applicant/petitioner.
2. It is submitted that this Court had directed the concerned jail authorities as well as the respondent-Department to take the applicant to the hospital *vide* order dated 18th October, 2024 and due to non-compliance, *vide* order dated 13th November, 2024, this Court had directed the Jail superintendent, Jail-08, Tihar Jail to file a personal affidavit explaining the



reasons for non-compliance with the order dated 18th October, 2024. Furthermore, the Joint-director of the respondent Department was also directed to file an affidavit along with the records of the communications with the jail authorities.

3. The learned senior counsel submitted that the said replies/affidavits filed by the respondent Department and the Jail authority are a complete eye wash and despite directions by this Court, the respondent Department and the Jail authorities have not taken any steps to comply with the said directions.

4. It is further submitted that the Jail authorities have willfully disobeyed the order of this Court and the same is evident from the affidavit and other material on record and the said conduct is directly affecting the health of the applicant/petitioner.

5. *Per Contra*, the learned special counsel appearing for the respondent Department submitted that the department has already complied with the order dated 13th November, 2024 and an affidavit along with the communication details has been placed on record and therefore, there is no disobedience with the order/directions of this Court as the information regarding the directions were not only sent *vide* e-mails but through personal messenger as well.

6. It is submitted that the affidavit filed by the Joint-director of the respondent Department shows the *bonafide* of the efforts made by the Department and he sincerely apologies in case there is any lapse on part of the Department as the same was neither intentional nor willful.

7. Heard the learned counsel for the parties and perused the records.

8. On the last date of hearing i.e. 13th November, 2024, this Court was



apprised of the medical condition of the applicant/petitioner and therefore, this Court deemed it appropriate to pass the following directions:

7. Taking into consideration all the allegations leveled by the learned Senior Counsel for the applicant as well as the explanation given by the learned SPP for respondent-Department, on instructions, this Court is of the considered view that it is shocking and a matter of serious concern as to why the authority concerned, i.e., the jail authority and the respondent Department have failed comply with the directions passed by this Court vide order dated 18th October, 2024 which was passed after taking into consideration the seriousness of the illness of the applicant who is languishing in judicial custody and is in need of immediate medical attention.

8In view of observations made hereinabove, the respondent Department is directed to place on record all the aforesaid communications on record along with an affidavit of the official of the respondent-Department who is not less than the rank of a Joint Director within one day. Further, the Superintendent Jail No.8, Tihar Jail, Delhi is also directed to file a personal affidavit within one day explaining therein as to why he has failed to discharge his duty by not complying with the order dated 18th October, 2024 passed by this Court despite the same being communicated by the respondent Department through various emails, speed post as well as through a Sepoy namely Mr. Hari Shankar...”

9. In compliance with the order passed by this Court on 13th November, 2024, the affidavit filed by the Joint Director of the respondent Department and the communication details with the Jail authorities is on record. Upon perusal, it is made out that there were sincere efforts on part of the Department and this Court does not find any reasons to give further directions to the respondent Department.



10. As per the directions of this Court *vide* order dated 13th November, 2023, the Jail superintendent has also filed the affidavit dated 14th November, 2024. The contents of the same reads as under:

1. This is in reference to this Hon'ble Court order dated 13.11.2024 thereby the Jail Superintendent has been directed to file a personal affidavit within one day explaining therein for not complying with the Hon'ble High Court of Delhi order dated 18.10.2024.

2. In this regard it is submitted that this office had received Hon'ble High Court of Delhi order dated 18.10.2024 in the evening hours on 22.10.2024 wherein the Hon'ble High Court of Delhi had issued certain directions to the Jail Authority as well as respondent department with respect to the medical treatment to the accused Aditya Krishna S/o Bhaskar Aggarwal. Upon receipt of the Hon'ble High Court of Delhi Order dated 18.10.2024, the same were forwarded to the office of the Senior Medical Officer of this Jail Dispensary for immediate compliance of the orders.

*3. Further, in compliance to the Hon'ble High Court order dated 13.11.2024, a report in compliance to the order dated 18.10.2024 was called from the Senior Medical Officer of this Jail Dispensary. Accordingly, Medical Officer (In-Charge) of this Jail Dispensary had submitted a report *vide* SMO dispatch No.-1305 dated 14.11.2024 wherein it has been reported that " The inmate patient was not referred to Max Hospital as the inmate patient or his relatives have not submitted any appointment details from Max Hospital for consultation or admission, as treatment in Private Hospital is borne by the inmate himself. It is also to be submitted that the Inmate patient has not presented in Dispensary for any fresh medical complaints and he is taking treatment as advised by GB Pant Hospital and currently not required for admission at present"[Copy enclosed).*

4. The Hon'ble High Court of Delhi is kindly informed that undersigned always abides by the order and direction passed by the Hon'ble Courts and sincerely



endeavors that Hon'ble Court orders are duly complied with absolute spirit.

This is for kind information and perusal of this Hon'ble Court.

11. As per the contents of the above said affidavit, it is evident that the concerned authority relied upon the report of the medical board constituted to review the situation. The contents of the said report dated 4th November, 2024 read as under:

“In reference to the medical board constituted by HoD (Medicine) on the order No. 73398/CRL (High court, Delhi) DOUH diary no. 15941/25-10-24, the board recorded detailed history of the jail patient Adityaa krishna S/o Bhaskar Aggarwal 04/11/2024 and also examined the medical records attached.

This patient was admitted to DOU Hospital under Medicine unit III (ward 10) from 17/7/24-19/7/24. CR NO. 35722 as a case of seizure disorder.

The patient was managed on anticonvulsants and discharged on Tab Leveraatan 500 BD plus advised to attend Department of Neurology, GB Pant Hospital Patient attended Department of Neurology, GB Pant Hosp on 25/07/2024 vide Registration Number 20240057232 and is on follow up treatment from the same. This patient attended surgery OPD at DOU Hospital on 14/09/24, Registration Number 530446 for evaluation of hematuria.

The same patient presented to DDU Hospital on 14/9/24, for complains of hematemesis, Med OPD Registration number 531332 and was referred to GB Pant Hospital, Department of Gastroenterology. The patient attended Dept. of Gastroenterology GB Pant Hospital on 20/9/24 vide registration number 20240057232 and was advised blood tests and upper Gi endoscopy.



The jail patient Aditya Krishna was examined today by board members and found patient to be conscious, alert, PR = 80/min, BP + 110/70 mmHG, Chest –B/L clear, CVS-S1S2 (N), P/A –soft, CNS-WNh.

No neurological deficit seen.

Conclusion – This patient Aditya Krishna is a known case of seizure disorder on anticonvulsant treatment from GB Pant Hospital, Department of Neurology, Registration no. 20240057232.”

12. Upon perusal, it is made out that the Jail Superintendent had clearly misinterpreted the directions passed by this Court *vide* order dated 13th November, 2024, contents of which have already been reproduced in the foregoing paragraphs.

13. After perusal of the affidavit filed by the concerned Jail authority, this Court is of the view that the directions passed *vide* previous order has not been willfully complied with.

14. This Court has taken serious view to the willful disobedience to the directions of the Court and is of the view that such non-compliance is unacceptable in cases where there is serious concern regarding the health condition of a detainee.

15. As per the submissions made by the learned senior counsel for the petitioner/applicant as well as the contents of the medical reports placed on record, it is apposite to state that the applicant is in dire need of medical assistance and the medical facilities available in the Jail are not sufficient for proper treatment of the applicant/petitioner.

16. It is sorry state of affairs that the said medical condition of the



applicant/petitioner has not been taken seriously by the Jail authorities, which is a direct violation of the fundamental rights provided by the Constitution of this Country.

17. Even though the applicant/petitioner is an accused in the serious crime money laundering, this Court believes that he has every right to avail the best medical treatment and no authority can curtail the Fundamental Right provided to him by the Constitution of India.

18. Furthermore, this Court is also concerned regarding the continuous non-compliance with the directions passed by this Court and the material on record is sufficient to take *prima facie* view that the Jail authorities have not willfully complied with the orders of this Court, instead constituted a medical board to look into the situation, which further delayed the treatment of the applicant/petitioner.

19. Therefore, this Court is left with no option but to direct the Jail Superintendent of the concerned jail to be present before this Court on the next date of hearing and explain the willful non-compliance with the orders and the reasons as to why this Court shall not proceed with the contempt proceedings against the officer concerned.

20. At this stage, due to casual approach taken by the Jail authorities in a case of serious medical emergency, this Court also deems it appropriate to direct the highest authority of the Jail, i.e. DG, Prisons, Delhi to inquire into the matter and file a personal affidavit regarding the lapse on part of the concerned Jail authority before next date of hearing.

21. In view thereof, list on 26th November, 2024 at 2:30 P.M.

22. The registrar is directed to send copy of this order to the Director General, Prisons and the Jail superintendent, Jail-08, Tihar.



CRL.M.(BAIL) 1875/2024 (seeking interim bail)

1. The instant bail application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (earlier under Section 482 of the Code of Criminal Procedure, 1973) has been filed on behalf of the petitioner/applicant seeking the following reliefs:

*“a) Enlarge the Applicant herein on interim medical bail till disposal of the regular bail application bearing no. 3464/2024, to seek treatment at private hospital of the Applicant’s choice, purely on humanitarian and compassionate grounds And/or
b) Direct the jail authorities to expeditiously provide the medical records of the Applicant for consultation purpose And/or
c) Pass any other order(s) which this Hon’ble Court may deem fit and proper under the facts and circumstances of this case.”*

2. The learned senior counsel appearing on behalf of the petitioner/applicant submitted that the applicant’s health condition is deteriorating further and despite several directions from this Court, no appropriate steps have been taken by the Jail authorities to provide adequate medical treatment to the applicant/petitioner herein.

3. It is also submitted that the non-action on part of the Jail authorities has deeply impacted the petitioner and no prejudice would be caused to anyone if the present application is allowed on humanitarian grounds.

4. The learned special counsel for the ED also conceded to the fact that the applicant/petitioner is in dire need of medical assistance, and therefore, this Court may release him on bail for a short period for the specific purpose of getting treatment at Max Hospital, Saket, New Delhi.

5. Heard learned counsel for the parties and perused the records.

6. Taking into the seriousness of the illness and in view of the order



passed on the even date in the regular bail application filed by the petitioner, this Court is inclined to grant interim bail to the applicant for ten days from the date of release on his furnishing personal bond in the sum of Rs 1,00,000- with two solvent surety of the like amount to the satisfaction of the Jail Superintendent/Court concerned on the following terms and conditions:

- (a) the applicant shall under no circumstances leave India without prior permission of the Court concerned;
- (b) the applicant shall appear before the Court as and when required;
- (c) the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (d) the applicant shall provide his mobile number(s) and keep it operational at all times;
- (e) the applicant shall commit no offence whatsoever during the period he is on interim bail.
- (f) the applicant shall only commute from home to the concerned Hospital for the treatment and is directed to not engage in any other activity otherwise,
- (g) the applicant shall be released from jail on 20th November, 2024 for his medical treatment at Max Hospital, Saket and after the expiry of period of ten days on interim bail from date of release, he shall



surrender before the Jail Superintendent/Court concerned.

7. Copy of this order be sent to Jail Superintendent for compliance
8. The application stands disposed of.

CHANDRA DHARI SINGH, J

NOVEMBER 19, 2024
gs/av

Click here to check corrigendum, if any