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

+ BAIL APPLN. 434/2021

ROMAULD KOFFI alias MIKE alias JACK Petitioner
Represented by: Mr. Amjad Khan, Advocate.

versus

THE STATE (GNCT OF DELHI) Respondent
Represented by: Mr. Amit Gupta, APP for the State
with SI Sanjeev Kumar PS Special
Cell.
Mr. Raj Kumar, Superintendent Tihar
Jail No.4 in person through video
conferencing.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

22.07.2021

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The hearing has been conducted through Video Conferencing.

1. By this petition, the petitioner seeks interim bail on his medical condition. Reports of the medical condition of the petitioner have been received repeatedly and from the various orders passed by this Court it is evident that the petitioner was required to be taken to the hospital.

2. On 8th December, 2020 this Court had directed the petitioner to be taken to Patel Hospital where he wants to get his treatment done. However, since there was no specific direction by this Court and the petitioner refused to pay the money, the petitioner was not taken to the hospital. This Court, thus, noted the statement made on behalf of the petitioner by the learned counsel that the Embassy would deposit the money with the hospital directly and on receipt thereof the petitioner will be taken by the Superintendent Jail to Patel hospital.

3. The petitioner was taken to the hospital on 4th March, 2021 where he was thoroughly examined and was advised 2-3 days admission for incision and removal of painful limpoma. On 11th March, 2021, the petitioner was taken to the said hospital and seen by the specialist, however, his blood pressure was on the higher side, thus the petitioner was advised to come with the reports of ECHO and repeat ECG on 17th March, 2021. When the petitioner was taken on 17th March, 2021, the treatment was prescribed for high blood pressure and the date of admission for surgery was given for 30th March, 2021. This Court had directed that the petitioner to be admitted to Patel Hospital on 30th March, 2021 in custody with adequate security and listed the matter for 7th April, 2021. On 7th April, 2021, this Court noted that when the petitioner was to be taken to Patel Hospital on 30th March, 2021, the concerned doctors at Patel Hospital found the blood pressure still high and the petitioner was advised to come on 5th April, 2021 and thereafter on 13th April, 2021. On 27th April, 2021 since it was informed that the arguing counsel has passed away due to Covid-19 and in view of the surge of Covid-19 cases the petition was adjourned till today.

4. It is unfortunate that despite surgery of the petitioner required to be performed and now in various hospitals at least from July, 2021, the Covid cases being under control, normal surgeries are being performed, the Superintendent Jail has made no efforts to take the petitioner to Patel hospital for surgery.

5. Mr. Raj Kumar, Superintendent Tihar Jail No.4 is present through video conferencing and states that since he did not receive any intimation from Patel hospital, he did not take the petitioner to the hospital. This stand of the Superintendent Tihar Jail is despite directions of this Court to get the petitioner treated. Even if surgeries were suspended due to rise in the

Covid-19 cases, Superintendent Jail has made no efforts to ensure that the petitioner is admitted and surgery performed once the Covid cases came down and all hospitals had started admitting patients for other surgeries.

6. Issue notice as to why proceeding under the Contempt of Court be not initiated against Mr. Raj Kumar, Superintendent Central Jail No.4, Tihar, New Delhi.

7. Mr. Raj Kumar, who is present in person through video conferencing accepts notice.

8. Reply affidavit be filed within two weeks.

9. Rejoinder affidavit in one week thereafter.

10. In the meantime, the Superintendent Central Jail No.4, Tihar, New Delhi is directed to take immediate steps to get the petitioner admitted in Patel Hospital in custody, if so advised by the hospital so that the necessary surgery can be performed at the cost and expense of the petitioner.

11. Medical report of the petitioner will be submitted before this Court on the next date of hearing when the Superintendent Central Jail No.4, Tihar will also be personally present through video conferencing.

12. List on 18th August, 2021.

13. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

JULY 22, 2021

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