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

+ **BAIL APPLN. 494/2024**

HARI OM RAI

..... Petitioner

Through: Mr. Vikas Pahwa, Senior Advocate
with Mr. Abhay Raj Varma, Mr.
Arjun Rekhi, Mr. Amsay, Ms.
Namisha Jain, Ms. Sanskriti
Shakuntala, Advocates.

versus

DIRECTORATE OF ENFORCEMENT

..... Respondent

Through: Mr. Zoheb Hossain, Special Counsel
for ED with Mr. Vivek Gurnani,
Advocate, Mr. Manish Jain, Special
counsel for ED & Mr. Kartik
Sabharwal, Advocate.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

% **15.05.2024**

CRL.M.A. 14326/2024 (extension of interim bail on medical ground)

1. By way of present application filed under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') read with Section 45 of Prevention of Money Laundering Act, 2002 ('PMLA'), the petitioner seeks extension of interim medical bail granted to him *vide* order dated 16.02.2024 by this Court.



2. Learned Senior Counsel appearing on behalf of the petitioner submits that after the grant of interim bail by this Court, the petitioner had undergone various diagnostic tests including coronary angiogram which was conducted on 05.03.2024. It is further stated that the petitioner was also examined at AIIMS, New Delhi on 08.05.2024. Learned Senior Counsel further submits that the reports have revealed that Left Ventricle (LV) as well as Left Atrium (LA) of the petitioner's heart are enlarged, Left Anterior Descending Artery (LAD) is 100% blocked, LV Ejection Fraction (LVEF) i.e. ability of LV to pump oxygen rich blood to the rest of the body has fallen between 25-30% which signifies possible Heart Failure, and LV shows signs of Regional Wall Motion Abnormalities (RWMA) which reflect that the petitioner had suffered an Anterior Wall Myocardial Infraction (AWMI - heart attack) a few months ago (while in custody). It is further submitted that the petitioner has been advised to plan for a CABG i.e. Bypass surgery after examination and assessment. Therefore, it is prayed that the present application be allowed.

3. Learned Special Counsel appearing on behalf of the respondent/ Directorate of Enforcement submits that the medical documents filed by the petitioner have been verified and have been found to be correct. It is further stated that this Court may pass any order it deems appropriate in light of the petition and the documents filed on record.

4. The arguments addressed on behalf of both the parties have been heard and material on record has been perused.

5. This Court notes that as per order of the Hon'ble Apex Court dated 26.04.2024 passed in *SLP (Crl.) No. 5348/2024*, the petitioner herein has been directed to surrender on expiry of period of medical bail granted to



him, with condition that in case of any further medical exigency, the Directorate of Enforcement may get him medically examined by the doctors at AIIMS.

6. Though the Directorate of Enforcement states that they have verified the documents and the report of concerned doctor from AIIMS and the verification report has been filed alongwith the reply, the report reveals that the petitioner had to be examined again by the concerned doctor at AIIMS on 13.05.2024 at 2:00 PM. The said examination report is not on record.

7. The record reveals that the petitioner is suffering from chronic total occlusion of the vessel and the Left Anterior Descending Artery (LAD) is 100% blocked, and further that LV Ejection Fraction (LVEF) i.e. ability of LV to pump oxygen rich blood to the rest of the body has fallen between 25-30% and further that he has been advised to plan for Coronary Artery Bypass Graft, etc. for which the petitioner prays that he needs to be admitted in the hospital and constant coronary medical care and attention is required.

8. In these circumstances, in view of order of the Hon'ble Apex Court, it is directed that the petitioner will place on record the medical report of his medical check-up conducted at AIIMS which was scheduled for 13.05.2024, if the same was conducted upon his visiting the OPD, as per the advice of concerned doctor of Department of Cardiology, AIIMS.

9. Further, the Directorate of Enforcement will ensure that the petitioner is medically examined at AIIMS, Department of Cardiology on 16.05.2024, as per order of the Hon'ble Apex Court, since the petitioner has pleaded medical exigency of his heart condition. The report will be handed over to the concerned officer of Directorate of Enforcement by the doctor



concerned, which will be placed before this Court on 16.05.2024 by 3:00 PM since the medical bail is expiring tomorrow.

10. The petitioner will also be at liberty to place on record the other medical documents pertaining to medical exigency before this Court on 16.05.2024 at 3:00 PM.

11. List on 16.05.2024 at 3:00 PM.

12. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MAY 15, 2024/at

Click here to check corrigendum, if any