



2025:DHC:3824-DB



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

Date of decision: 13th MAY, 2025

IN THE MATTER OF:

+ **CRL.A. 100/2025**

A. S. ISMAIL

.....Appellant

Through: Mr. Tanwir Ahmed Mir, Sr.Adv with
Mr. A.Nowfal, Mr. Imran Ahmad,
Mr. Shereef K.A & Mr. Md.Arif
Hussain

versus

NATIONAL INVESTIGATION AGENCYRespondents

Through: Mr. Rahul Tyagi SPP, Mr. Jatin
ASPP, Mr. Vikas Walia DSP T.
V. Rajesh CIO
Mr. Utkarsh Bansal, SI

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

JUDGMENT (ORAL)

SUBRAMONIUM PRASAD, J.

1. The present Appeal is directed against the Order dated 13.12.2024, passed by the learned Additional Sessions Judge-03, Patiala House Courts, New Delhi in RC No.14/2022/NIA/DLI, rejecting the application of the Appellant herein seeking interim bail on medical grounds.

2. Shorn of unnecessary details, the facts, leading to the present case, are that the Appellant herein is one of the accused in FIR No. RC-14/2022/NIA/DLI, dated 13.04.2022, registered by the National Investigation Agency under Section 120B, 153 IPC and Sections 17, 18, 18B, 22B, 38, 29 of Unlawful Activities (Prevention) Act, 1967 (UAPA). It is stated that the case in which the Appellant is involved pertains to a



2025:DHC:3824-DB



conspiracy hatched by the office bearers, members and cadres of Popular Front of India (PFI) who are involved in raising or collecting funds from within India and abroad through banking channels, *Hawala*, donations etc. for committing or getting committed, terrorist acts in various parts of India including States of Kerala, Tamil Nadu, Karnataka, Uttar Pradesh, and Delhi etc. It is stated that after completing investigation against all the arrested accused persons, including the Appellant herein, a chargesheet was filed against 19 accused persons, including the Appellant herein, and the PFI. It is stated that the Appellant herein was earlier a member of Students Islamic Movement of India, which was banned as terrorist organization. It is stated that the Appellant herein was the State President, PFI, Tamil Nadu and later became a NEC member of PFI. It is stated that the Appellant was involved in the conspiracy of radicalizing the gullible Muslim youth by provoking them against the Indian Government & leaders of organizations who do not believe in the establishment of Islamic Rule in India. The allegations against the Appellant herein are that he is involved in creating communal disharmony and disrupting the sovereignty and integrity of India. It is stated that the Appellant herein was arrested on 22.09.2022. First charge-sheet was filed on 18.03.2023 and the Supplementary charge-sheet was filed on 19.04.2023. It is stated that the Appellant herein filed an application seeking interim bail on the ground of his daughter's marriage. The Trial Court *vide* Order dated 02.09.2024 rejected the application of the Appellant for interim bail, however, the Trial Court granted custody parole to the Appellant for eight days. It is stated that the Appellant suffered a stroke on the right side of his body on 20.10.2024 and he was treated at the jail hospital and later on referred to DDU Hospital for medical check-up where the doctors have found weakness on the right side of the Appellant's body and the Appellant



was referred to Neurosurgical Department of the Safdarjung Hospital. It is stated that the Appellant was admitted for two days at the Safdurjung Hospital and was discharged later on with the diagnosis of Left sided brain Hematoma with Haemorrhagic Cerebrovascular accident. It is stated that vide Order dated 29.10.2024, the Appellant was granted two days' custody parole for his treatment at the Apollo Hospital, New Delhi on 01.11.2024 and 02.11.2024. It is stated that the said Order was challenged by the Appellant before the Apex Court by filing Criminal Appeal No.4447/2024. The Apex Court vide Order dated 04.11.2024 extended the parole of the Appellant till 15.11.2024. The Appellant was treated at the Apollo Hospital as an outpatient. It is stated that the Appellant herein filed an application before the Trial Court seeking interim bail for six months on medical grounds. In the said application the Appellant herein had contended that he wishes to get treatment at Royal Care Super Speciality Hospital, Coimbatore. The Trial Court *vide* Order dated 13.12.2024 rejected the application of the Appellant. It is this Order which is under challenge in the present Appeal.

3. This Court issued notice in the present Appeal on 28.01.2025 and directed the concerned Jail Superintendent to place on record the report of the concerned medical officer, giving the exact medical condition of the Appellant and the treatment that has been given to the Appellant including any consultation done with the Apollo Hospital. A Medical Report from the office of the Senior Medical Officer, Central Jail No.1, Tihar Jail, dated 18.02.2025 was received by this Court. Relevant portions of the said Report reads as under:



“Latest on 17.02.2025 inmate patient was presented at jail dispensary with complaint of aggravation of Right sided Hemiparesis symptoms with difficulty in walking/ gripping objects for which after providing primary emergency treatment he was referred towards DDL) Hospital for evaluation and further management. On reaching DDU Hospital he was examined by C.M.O Casualty who referred him towards medicine OPD for continuation of treatment.

At present Inmate Patient is admitted in M.I Room showing significant right sided body weakness, wheelchair bound, need assistance for daily routine activities, slurring of speech present and difficulty in deglutition, all necessary prescribed treatment is being administrated through Jail Dispensary.”

4. On 27.02.2025, this Court directed for constitution of a Medical Board in All India Institute of Medical Sciences (AIIMS) to ascertain the medical condition of the Appellant. Material on record indicates that a Medical Board under the Chairmanship of Dr. Rohit Bhatia, Professor of Neurology, was constituted. The Medical Board consisted of the following doctors:

1.	Dr. Rohit Bhati, Prof, of Neurology	Chairperson
2.	Dr. Ashima Nehra, Prof, of Clinical Psychology (NSC) Clinical	Member
3.	Dr. Vishnu V. Y., Addl. Prof of Neurology	Co-opted Member
4.	Dr. Ayush Agarwal, Asstt. Prof, of Neurology	Member
5.	Dr. Arun Kumar Chaudhary, Ast. Prof. of	Co-opted Member



	PMR	
6.	Dr. Rajeev Aggarwal, Sr. Physiotherapist, NSC	Co-opted Member
7.	Dr. Mehdi Ali, Duty Officer NSC	Member Secretary

5. The case of the Appellant is that he ought to have been released on interim bail. In the Appeal, the Appellant has relied on the medical report dated 25.10.2025 which states that the Appellant, at that time, *was admitted in M.I Room showing significant right sided body weakness, totally wheelchair bound, need assistance for daily routine activities, slurring of speech present and difficulty in deglutition, all necessary prescribed treatment is being administrated through Jail Dispensary.*

6. The latest medical report of the Appellant indicates that the medical condition of the Appellant has significantly improved and at present he only has mild facial asymmetry. The latest medical report of the AIIMS suggests that the right side weakness of the Appellant has improved and he can walk with assistance and he is no longer wheel-chair bound. The Appellant has been advised to continue with physiotherapy and previous medications with regular monitoring of blood pressure.

7. Charges have been framed against the Appellant. The State in its reply has opposed the grant of interim bail to the Appellant on medical grounds. The Trial Court in the impugned Order has recorded the contention of the NIA that there is a lot of direct evidence against the Appellant. Material on record indicates that the Appellant is being given proper treatment and he is showing improvement even when he is in incarceration.



This indicates that the Appellant is being given proper treatment in Jail. Moreover, the latest medical report by the Medical Board of the AIIMS shows that the condition of the Appellant is not such that it will deteriorate if the Appellant is not granted interim bail, as prayed for by the Appellant.

8. In view of the above, this Court is of the opinion that the Order passed by the Trial Court does not require any interference by this Court.

9. The jail authorities are directed to continue with the treatment as prescribed by the doctors including regular physiotherapy and continuous monitoring of the blood pressure of the Appellant. The jail authorities are also directed to take the Appellant to the AIIMS once every month to monitor his condition.

10. The Appeal is dismissed, along with the pending applications, if any.

11. It is made clear that the observations made in this Order are confined only to the present case.

SUBRAMONIUM PRASAD, J

HARISH VAIDYANATHANSHANKAR, J

MAY 13, 2025

Rahul