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

+ **BAIL APPLN. 1640/2011**

MOHD AFZAL

..... Petitioner

Through: **Mr. R.M. Tufail, Mr. Vishal Sehijpal,**
Advocates

versus

STATE

..... Respondent

Through: **Ms. Jasbir Kaur, APP for State**

CORAM:

HON'BLE MR. JUSTICE M.L. MEHTA

ORDER

% **21.11.2011**

Crl. MA 18146/2011 (exemption)

Exemption allowed subject to all just exceptions.

BAIL APPLN. 1640/2011

This is an application under Section 439 CrPC read with Section 21(4) of the Maharashtra Control of Organized Crimes Act (MCOCA) preferred by the petitioner for grant of interim bail for a period of two months.

The petitioner herein is charged for committing offences under Section 3(2) & 3(4) of MCOCA vide FIR No.18/2009. The allegations against the petitioner are that he committed unlawful activities being a member of organized syndicate crime with the object of giving threats and that he was found in unlawful possession of arms.

The petitioner seeks interim bail for a period of two months on account of sickness of his wife since 2.10.2011 and under treatment in the mental hospital since 22.10.2011. I have perused the impugned order dated 15.11.2011 passed by learned ASJ wherein an application seeking the same relief on the same grounds was dismissed vide detailed order. It has been pointed out in the said order that the petitioner is involved in as many as 19 cases of cognizable nature. A detention order under NSA was also passed against the petitioner for a period of one year.

The petitioner earlier tried to procure bail by forging the report of

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Mohan Medical Centre and on being confronted with the same, withdrew the application. The wife of the petitioner was provisionally diagnosed as a case of psychotropic disorder and was hospitalized for a period of two weeks from the date of her admission and thereafter her condition was to be reviewed.

Be that as it may, there are other family members of the petitioner as well as his wife who can take care of her initial treatment in the hospital.

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Keeping in mind the gravity of the offences in which the petitioner has been charged and the large number of cases pending against him, I do not deem it fit to release the petitioner on bail. The bail application is hereby dismissed.


M.L. MEHTA, J

NOVEMBER 21, 2011
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