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

+ **BAIL APPLN. 3954/2024**

GAUTAM @ GOMI

.....Petitioner

Through: Mr. Sahil Sharma, Advocate.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for the State.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

11.11.2024

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1. This petition has been filed seeking interim bail for a period of 30 days in FIR No. 773/2023 registered at Police Station Tilak Nagar under Section 307 IPC and Sections 25/27/54/59 Arms Act. The interim bail is sought on the medical condition of the father in that who has been suffering from spinal issues is initially slated for surgery on 26th October, 2024 which has now been rescheduled for 14th November, 2024.
2. Previous medical documents are verified by the State. APP for the State, however, raises an objection to the release of the petitioner on the account that both the victims (*injured eyewitnesses*) are to be examined on 26th November, 2024. Further, regular bail application of the petitioner was dismissed by the Trial Court on 28th November, 2024 and no application was filed for grant of interim bail at that stage.
3. Considering that the allegations, as per the FIR, are of using firearms and shooting the two victims, there is a strong apprehension, as per the APP, that the testimonies will be influenced if the petitioner is released from



custody.

4. Accordingly, the Court is of the opinion that custody bail may be granted to the petitioner for the day of the surgery i.e., on 14th November, 2024. The petitioner be escorted by the Jail Staff and taken to the Kalra Hospital, Kirti Nagar, Delhi, where the surgery of his father is to be conducted.

5. The petitioner shall be taken to the said Hospital in custody, for the day of surgery i.e., on 14th November, 2024 and then taken back to the Jail on the same day.

6. Counsel for petitioner, at this stage, states that the testimonies of the victims have not been recorded despite charges having been framed in March, 2024. Accordingly, the Trial Court is expected to expedite the recording of the testimonies of the two victims.

7. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

8. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

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

ANISH DAYAL, J

NOVEMBER 11, 2024

DU/sc