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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 147/2016

POOJA @ RAKHI KAPOOR

..... Petitioner

Through:

Mr.L.S.Saini with Mr.S.N.Sharma and
Mr.Yatin Grover, Advocates

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through:

Mr.Ashok Kumar Garg, APP for the State

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

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28.01.2016

This is an application under Section 439 Cr.P.C moved by the petitioner for grant of interim bail in case FIR No.1375/2014 under Sections 302/201 IPC registered at Police Station Rajouri Garden, New Delhi for a period of two months on the ground of operation of her son who is suffering from acute intestine infection with inguinal hernia and has to undergo surgery on 02.02.2016.

Learned counsel for the petitioner submits that the son of the applicant aged about 7 years will be admitted on 29.01.2016 and surgery is scheduled for 02.02.2016. Father of the minor child is in U.K. A dispute is going on between the petitioner and her husband and there is nobody to look after the minor child as her parents are old and suffering from many old age diseases. One brother of the petitioner is absconding while another is not doing anything due to his ill health.

Factum of surgery of the minor child on 02.02.2016 has been verified by the Investigating Officer of the case. However, application is opposed on the ground that the petitioner is facing trial for the murder of her maid servant. Moreover, she is involved in two other cases.

Keeping in view the fact that the factum of surgery of the minor child

scheduled on 02.02.2016 has been verified by the Investigating Officer of the case, the petitioner is admitted to interim bail for a period of 15 days from the date of her release subject to:

- (i) Her furnishing personal bond in the sum of Rs.50,000/- with two sureties in like amount to the satisfaction of learned Trial Court;
- (ii) The petitioner is directed to furnish her address as well as contact number to the Investigating Officer of the case, court concerned as well as this Court during this period.
- (iii) The petitioner is further directed not to leave Union Territory of Delhi during this period;
- (iv) During the period of interim bail, the petitioner will not contact or threaten any of the prosecution witnesses;
- (v) She is further directed to report to SHO, Police Station, Rajouri Garden on every Monday and Thursday at 10.00 am.
- (vi) In case the child is not operated on 02.02.2016, as scheduled then the petitioner will surrender forthwith before the Superintendent Jail;

Copy of the order be sent to the SHO concerned for information. Petitioner be also informed through Superintendent Jail.

Application stands disposed of accordingly.

Copy of the order be given dasti to the counsel for the petitioner under the signatures of court master.

SUNITA GUPTA, J

JANUARY 28, 2016

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