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

+ **BAIL APPLN. 263/2016**

ARVIND KUMAR GUPTA @ DESILVA Petitioner

Through : Mr.Jitendra Sethi, Advocate with
Mr.Ankush Sharma, Advocate.

versus

STATE Respondent

Through : Mr.Amit Gupta, APP.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

% **16.02.2016**

1. The petitioner seeks interim bail for two months from the date of release to enable him to arrange finance and to take care of his ailing and infirm father aged around 70 years who is to undergo surgery. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. Learned counsel for the petitioner urged that earlier petitioner's father was operated upon for perforation in the intestine. The said ailment has aggravated and he remained admitted for about ten days. Petitioner's father has been diagnosed to be having stones in his right ureter with hydronephrosis. He has been advised surgery which is to take place on 15.02.2016. He further urged that his two sisters were already married. One of them Sanjana Gupta is on her family way and is having eight months pregnancy. The other sister Ranjana has a child aged around four months who has developed serious problems since birth and had remained admitted twice in the

Batra Hospital and Safdarjung Hospital.

3. Status report reveals that the petitioner's father is already taking treatment at private hospitals. There are brothers-in-law to further take care of him at the time of surgery (if any). Status report further reveals that the petitioner is involved in FIR No.9/2012 under Sections 457/380/414/34 IPC PS Kalkaji; FIR No.208/2011 under Sections 307/34 IPC PS Govindpuri; FIR No.40/2004 under Sections 399/402 IPC & Sections 25/27/54/59 Arms Act PS OIA; FIR No.1046/2003 under Sections 365/392/34 IPC PS Malviya Nagar, and FIR No.51/2005 under Sections 302/201/34 IPC PS OIA. There are serious allegations against him whereby he along with his associates committed murder of one Surender @ Sonu while attempting to murder Sandeep by firing at them.

4. It is relevant to note that co-accused Ravinder @ Rabbu and Kartik have also sought interim bail on medical grounds. The case is still at its initial stage and the statements of the material prosecution witnesses are yet to be recorded. Possibility of the evidence to be tempered with cannot be ruled out.

5. No sufficient ground for grant of interim bail. Request of the petitioner to be present in custody at the time of surgery would be considered favourably.

6. The bail application stands disposed of.

S.P.GARG, J

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