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

+ **BAIL APPLN. 2730/2015 & CRL.M.B. 8378/15**

MELWYN WILLIAMS CHIRAYATH

..... Petitioner

Through : Mr.Pradeep Jain, Advocate with
Mr.M.J.Michael, Mr.Shubhankar Jha,
Mr.Ashish Batra, Mr.Ashish Bansal
& Mr.Rahul Raheja, Advocates.

versus

STATE

..... Respondent

Through : Mr.Vinod Diwakar, APP with SI
Harbir Singh.
Mr.Yogesh Saxena, Advocate for the
complainant along with complainant
in person.

AND

+ **BAIL APPLN. 402/2016**

MELWYN WILLIAM CHIRAYATH

..... Petitioner

Through : Mr.Pradeep Jain, Advocate with
Mr.M.J.Michael, Mr.Shubhankar Jha,
Mr.Ashish Batra, Mr.Ashish Bansal
& Mr.Rahul Raheja, Advocates.

versus

STATE (NCT OF DELHI)

..... Respondent

Through : Mr.Vinod Diwakar, APP with SI
Pradeep Sharma.
Mr.Vidit Gupta & Ms.Harleen Singh,
Advocates for the complainant along
with complainant in person.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

% **21.03.2016**

1. The petitioner seeks regular bail in case FIR No.221/2012

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registered under Sections 406/420 IPC at PS R.K.Puram and FIR No.32/2015 registered under Sections 406/420/120B IPC at PS Rajinder Nagar. Status reports are on record.

2. I have heard the learned counsel for the parties including the counsel for the complainant and have examined the file. The petitioner is in custody since 01.11.2015. He has already paid around ₹4.5 lacs to the complainant in case FIR No.221/2012. Petitioner's counsel informed that the petitioner is suffering from various ailments and for most of the period he has remained admitted in the hospital. The petitioner had met with a severe accident at Nagarcoil in Tamil Nadu and was admitted to KIMS Hospital in Thiruvananthapuram. On 25.10.2015, he underwent emergency surgery to save his damaged left eye. Even at the time of his arrest, the petitioner was undergoing emergency medical treatment and was got forcibly discharged from the hospital. His condition had worsened and he was admitted to DDU Hospital on 03.11.2015. He has been referred to AIIMS for critical brain condition. Counsel referred to the report dated 02.12.2015 from the Senior Resident Department of Neuro Surgery, AIIMS concluding that "petitioner's life can be threatened if not managed properly."

3. Petitioner's counsel, on instructions, offered to pay ₹5 lacs more in case FIR No.221/2012 to the complainant without prejudice and subject to future adjustment (if any). Bail is opposed by the learned counsel for the complainants stating that the petitioner was declared Proclaimed Offender and a huge amount is liable to be paid

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by him.

4. Considering the facts and circumstances of the case particularly the fact that he is in custody since 01.11.2015 and has offered to pay ₹10 lacs in all in both the FIRs, considering his medical condition, he is admitted to bail on furnishing personal bond in the sum of ₹50,000/- with one surety in each case in the like amount to the satisfaction of the Trial Court. ₹2.5 lacs each shall be paid by way of demand draft to each of the complainants in both the FIRs within two days through the Investigating Officer. Similarly, ₹5 lacs in FIR No.221/2012 shall be paid within four weeks through the Investigating Officer and this amount shall be shared to the tune of ₹2.5 lacs by both the complainants.

5. This amount is without prejudice and subject to future adjustment (if any). In case of non-compliance, the complainants shall be at liberty to approach this Court.

6. The bail applications stand disposed of. Pending application also stands disposed of.

7. Order '*Dasti*.'


S.P.GARG, J

MARCH 21, 2016 / tr