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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 2243/2015 & Crl. MA 15375/2015 (delay)
KANTA PRASHAD

..... Petitioner

Through Mr G.C. Shukla, Adv.
versus

STATE

..... Respondent

Through Mr Akshai Malik, Additional Public Prosecutor
for the State

CORAM:
HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER
31.03.2016

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Vide this application under Section 439 of Cr.PC, the petitioner seeks interim bail in case FIR No. 49/2011 under Sections 302/323/34 IPC registered at Police Station Tilak Nagar, Delhi for looking after his old-aged mother, who is suffering from various ailments.

It is alleged that there is nobody in the family to look after the mother of the petitioner except him who is the only son.

The application is opposed by learned Additional Public Prosecutor for the State on the ground that the petitioner is facing trial in case FIR No. 49/2011 under Sections 302/323/34 IPC registered at Police Station Tilak Nagar, Delhi. The complainant and other witnesses have already been examined who have supported the case of prosecution.

As regards the illness of mother of the petitioner is concerned, it is reported that the wife of the petitioner alongwith her children are residing in House No.S-2/149, Old Mahaveer Nagar, New Delhi whereas mother of the petitioner is residing in Village Kharela, Police Station Kharela, District – Mahoba, Uttar Pradesh.

Keeping in view the fact that the family of the petitioner is residing at Delhi whereas his mother is residing in Uttar Pradesh and the fact that wife of the petitioner is very much available, however, she is not even looking after the old aged mother of the petitioner, the petitioner is not entitled to be released on interim bail.

The application is accordingly dismissed.

Pending Crl. MA also stands disposed of.

SUNITA GUPTA, J

MARCH 31, 2016/*rd*