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

+ **BAIL APPLN. 2303/2017**

DEEPAK GAUTAM @ DEEPAK PANDIT Petitioner
Through: Mr. Jitendra Sethi and Ms. Anshika Sethi,
Advocates.

versus

STATE Respondent
Through: Mr. Akshai Malik, APP for the State.

CORAM:
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER
% **14.11.2017**

The present petition has been filed under Section 439 Cr.PC seeking interim bail in case FIR No. 1075/2014 under Section 307/302/34 IPC read with Section 25/27 of Arms Act registered at Police Station – Neb Sarai.

The case of the prosecution in nutshell is that complainant Anuj @ Annu S/o Vijay Saxena along with his friends were standing near Arpan Hospital, J. J. Colony, Tigri, New Delhi; that the present petitioner along with his associates came there and started firing on them; that they sustained bullet injuries and injured Rohit was brought dead at Batra Hospital.

Learned counsel for the petitioner submits that Smt. Radhika, wife of the petitioner has been diagnosed for Cholelithiasis i.e. Stones in the Gall Bladder and she has been advised for surgery on 15.11.2017 at Rao Tula Ram Memorial Hospital, Delhi; that there is no male member in the family to take care of his wife; that all material witnesses have been examined in the present case.

Status report has been filed by the prosecution.

Learned APP for the State vehemently opposes the present petition and submits that the petitioner is a habitual offender and has been involved in many criminal activities.

I have heard the learned counsel for parties and perused the record.

The ground urged for interim bail is not disputed by the prosecution. It is stated in status report that “medical documents have been verified from concern hospital and found genuine and admission/surgery of Radhika, wife of the accused Deepak Pandit is fixed for 15/11/17.”

Keeping in view the facts and circumstances of the present case, I find the present case fit to grant interim bail to petitioner. The petitioner is directed to be released on interim bail for 05 (five) days from the date of his release subject to :

- i) That the petitioner shall furnish a personal bond in the sum of Rs.25,000/- with one local surety of like amount to the satisfaction of the concerned Trial Court;
- ii) That the petitioner shall not leave the National Capital Territory of Delhi without the prior permission of the Trial Court;
- iii) That the petitioner shall not directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the present case so as to dissuade them from disclosing such facts to the Court or to any other authority;
- iv) That the petitioner shall surrender before the Jail Superintendent, Tihar Jail, Delhi immediately after expiry of the period of interim bail.

- v) that the applicant shall provide his mobile phone number to the Jail Superintendent at the time of his release, which shall be kept in working condition at all times. The same shall not be changed without prior intimation to the Jail Superintendent;

Application stands disposed of.

Copy of the order be given dasti under the signatures of Court Master.

A copy of this order be communicated to the concerned Jail Superintendent.

SANGITA DHINGRA SEHGAL, J

NOVEMBER 14, 2017

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