

\$~31

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

+ **BAIL APPLN. 2551/2017**

MOHD. SHAKEEL

..... Petitioner

Through: Mr. Shehzad Alam, Advocate.

versus

STATE

..... Respondent

Through: Ms. Rajni Gupta, APP for the State.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

%

12.12.2017

CrI.M.A. No.20539/2017

1. Exemption allowed subject to all just exceptions.
2. Application is disposed of.

BAIL APPLN. 2551/2017

1. File received at 1.00 pm on urgent mentioning.
2. This is an application filed by the petitioner under Section 439 CrPC seeking interim bail to enable him to perform the last rites of his father, who has expired on 10th December, 2017.
3. Notice. Learned APP for the State accepts notice.
4. Learned counsel for the petitioner submits that father of the petitioner has expired on 10th December, 2017 in his native village in Bihar. He further submits that the averments made in para 17 of the bail application are incorrect to the extent that the funeral ceremony was performed on 10th December, 2017 but infact the petitioner is trying to say that the death of his father has taken place on 10th December, 2017 and dead body has been preserved for the funeral ceremony. Learned counsel for the petitioner prays that petitioner may be granted interim bail to enable him to visit his

native village in Bihar and perform the last rites of his father.

5. Learned APP for the State submits that since as per the submissions made by learned counsel for the petitioner, the dead body has been preserved so that petitioner can perform the last rites of his father who has expired in his native village in Bihar, factum of death of father of the petitioner cannot be verified due to shortage of time. She further submits that appropriate order may be passed subject to such conditions as deemed fit by this Court.

6. Considering the ground for which the petitioner is seeking interim bail i.e. to perform the last rites of his father who has expired on 10th December, 2017, the prayer of the petitioner is allowed to the extent that he is granted interim bail for a period of three weeks from the date of release on his furnishing personal bond in the sum of ₹10,000/- with one surety in the like amount to the satisfaction of concerned Jail Superintendent and subject to the condition that while submitting the bail bond, he will furnish to the Jail Superintendent the address of the place where he would reside during the period of interim bail as well as the contact numbers.

7. It is, however, made clear that on expiry of period of interim bail, the Petitioner shall surrender before the concerned Jail Superintendent.

8. Bail application stands allowed in the above terms.

9. A copy of this order be sent to the concerned Jail Superintendent for information and compliance.

As prayed, copy of the order be given dasti to learned counsel for the petitioner under the signature of Court Master.

PRATIBHA RANI, J.

DECEMBER 12, 2017/‘st’