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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1896/2018**
PREETAM SAINI Petitioner

Through: Mr. Sudharshan Rajan and Mr. Arjun
Gadhoke, Advocate.

versus

THE STATE (GOVT OF NCT OF DELHI) Respondent

Through: Ms. Radhika Kolluru, APP for State
alongwith Jail Superintendent, Rohini
with SI Sandeep, PS-Crime Branch.
Mr. Vinod Chauhan, Advocate for
complainant.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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04.10.2018

CRL.M.(BAIL) 1571/2018 (by applicant seeking interim bail for 1 month)

The order dated 21.08.2018 could not be complied with. Ms. Radhika Kolluru, the learned Additional Public Prosecutor for the State has handed over an affidavit signed by the Jail Superintendent explaining, as to why, despite this Court's directions, the petitioner had not been released on custody bail to visit his mother at hospital on 23rd and 24th August, 2018. According to Ms. Kolluru, the said order could not be complied with because it was dispatched from this Court on 25.08.2018.

The Court would note that the order was passed in the presence of the learned Additional Public Prosecutor for the State and she knew fully well

that what the order was. The order directed that the petitioner be released on custody bail for 23rd and 24th August, 2018, in view of the exigency of the petitioner to attend to his mother in the hospital. The non-compliance is apparently on account of confusion in communication of the order to the officer concerned i.e. Jail Superintendent, for compliance.

The affidavit and the explanation tendered by the Jail Superintendent concerned is accepted.

The learned counsel for the petitioner submits that the petitioner may be released on interim bail instead of custody bail. However, after some arguments, he submits that he will move an appropriate application before the appropriate Court for this relief at a later stage. Liberty granted.

Since the petitioner's mother is not admitted in any hospital at this moment, he would not be required to be taken on custody bail. Liberty is granted to the petitioner to approach the appropriate Court in case of any exigency.

The application is disposed-off.

NAJMI WAZIRI, J

OCTOBER 04, 2018

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