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

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Judgment delivered on: 01.10.2018

+ CRL.M.C. 4985/2018

SARITA GUPTA

..... Petitioner

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Usman Chaudhary, Adv.

For the Respondents: Ms. Neelam Sharma, Addl. PP for the State
Mr. Sanjeev Kumar and Mr. Wahid Ali, Adv. for
respondent no. 2.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

01.10.2018

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 20.09.2018 whereby respondent no. 2 has been granted interim bail for a period of two weeks w.e.f. 01.10.2018 to 15.10.2018 in FIR No. 486/2013 under Sections 302/201/34 of the IPC, Police Station Mandawali, Delhi.

2. Learned counsel for the petitioner submits that the impugned order dated 20.09.2018 granting interim bail to respondent no. 2 was passed on erroneous grounds. It is contended that the reasons

mentioned for grant of bail are not sustainable, as the same are not substantiated by the medical record.

3. Interim bail was granted to respondent no. 2 as his wife is in family way and there is likelihood that blood may be required at the time of delivery.

4. Status reported has been filed and the same is taken on record. It shows that the wife of the accused has a history of caesarean delivery and her blood group is O Negative and is gestational diabetic mellitus. Her expected date of delivery is 13.10.2018. Doctor has opined that depending on the condition, at the time of delivery, blood may or may not be required. Status report further shows that wife of respondent no. 2 is residing with his mother with a four year old child. Brother of respondent no. 2 is residing at some other place, which is stated to be Noida.

5. Learned counsel for respondent no. 2 submits that respondent no. 2 was earlier also released on interim bail at the time of admission of his son in school for a period of two weeks. He duly surrendered and complied with the order.

6. Apprehension is expressed by learned counsel for the petitioner that the accused on coming out on bail, may threaten the complainant/petitioner and that he is involved in several other cases

and is BC of the area.

7. Keeping in view of the fact that the wife of respondent no. 2 is expected to deliver a child on 13.10.2018 and there may be a possibility of her requiring the blood at the time of delivery which could be a caesarean delivery and the fact that respondent no. 2 had earlier been enlarged on bail and duly surrendered, I am of the view that the order granting interim bail does not warrant any interference. However, keeping in view the apprehension of the petitioner, said order is modified and the period of two weeks is reduced to 10 days with effect from 06.10.2018 to 15.10.2018.

8. In addition to the conditions imposed by the trial court, the respondent shall not contact the prosecutrix and her family. IO is directed to provide his mobile number to the prosecutrix/petitioner so that she can contact the IO in case there is any apprehension or cause.

9. Respondent no. 2 shall surrender before the jail authorities on completion of the 10 day period as directed by the trial court.

10. The petition is disposed of in the above terms.

11. Order *Dasti* under signatures of the Court Master.

OCTOBER 01, 2018/‘rs’

SANJEEV SACHDEVA, J