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

+ CRL.A. 1448/2019

PARVEEN @ NAVEEN @ VIKKY Appellant

Through: Mr. Ajay Garg, Advocate.

versus

STATE Respondent

Through: Mr. Ashish Dutta, APP for the State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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29.07.2020

CRL.M.(BAIL) 7433/2020

1. We have heard learned counsel for the appellant and also perused the status report.
2. The appellant is suffering from HIV. This fact has been verified. The appellant has a mother – who is 80 years old. The appellant has undergone incarceration for 10 years, and he has never been granted bail ever since his arrest in the year 2010.
3. The submission of Mr. Dutta is that the co-convict Humesh was granted interim bail on 28.05.2020, and the same stands extended in the light of the order dated 13.07.2020 passed by the Full Bench of this Court in W.P.(C) 3037/2020 titled as *Court On Its Own Motion Vs. State & Others*.

Mr. Dutta submits that simultaneous release of the appellant with other co-convict poses threat of commission of further crime by the co-convicts in collusion with each other.

4. We have considered this submission. Considering the fact that the appellant is suffering from HIV, there is no doubt that he is at a higher risk of contracting Covid-19 Virus. The appellant has 80-year-old mother, and he has been in continuous incarceration for 10 years. We are, therefore, inclined to grant interim bail to the appellant while keeping a check on his conduct and movements.

5. Accordingly, we grant interim bail to the appellant for a period of two months from the date of release on the following conditions:

- (i) The appellant shall furnish his personal bond in the sum of Rs.25,000/- to the satisfaction of the Duty Magistrate concerned;
- (ii) During this interim bail period, the sentence of the appellant shall remain suspended;
- (iii) The appellant shall provide his mobile phone number to the Investigating Officer (IO) concerned – at the time of release, which shall be kept in working condition at all times. The appellant shall not switch-off, or change the same without prior intimation to the IO concerned, during the period of interim bail;
- (iv) The appellant shall telephonically call the IO concerned every alternate day at 11:00 a.m. to mark his attendance. On each such occasion, the appellant shall drop a Google pin from his mobile phone to the IO concerned so as to inform the IO about the current location

of the appellant;

- (v) The appellant shall not leave the NCT of Delhi during the suspension period;
 - (vi) The appellant shall not come into contact with other co-convicts in the case and he shall not indulge in any criminal activity during the suspension period;
 - (vii) The appellant shall not communicate with, or come into contact with any of the prosecution witnesses, or any member of the victim's family, or tamper with the evidence of the case; and
 - (viii) The appellant shall duly surrender at the end of the interim bail period.
6. The application stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

JULY 29, 2020

B.S. Rohella