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

+ **BAIL APPLN. 537/2019 and Crl. M.A. 4615/2019**

ANURAG MENDIRATTA

..... Petitioner

Through: Mr. Sunil Chowdhary, Mr. Rahul Kumar, Mr. Deepender Singh, Mr. Deval Kulshrestha and Ms. Tanya Chowdhary, Advocates

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Kewal Singh Ahuja, APP with Insp. Samarpal

Mr. Sanjay Ghose and Mr. Vishal Dabas, Advocates for the complainant

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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28.02.2019

The petitioner's application (bail application no.343/2019) for release on regular bail in case FIR 41/2018 of police station EOW (Special Cell) involving offences punishable offences under Sections 376, 419, 420, 467, 468, 471, 201 IPC read with Section 67 of Information Technology Act is listed on 28.03.2019 by order dated 21.02.2019. It is noted that the petitioner had earlier made an application (Crl. M. (Bail) 257/2019) in the context of the said application for release on regular bail, seeking interim bail on the ground of illness of his mother. Though the said application was

pressed initially, as is revealed by the proceedings recorded on 08.02.2019, it was not pressed and dismissed accordingly by order dated 21.02.2019, liberty having been given for a separate application for such relief to be filed. Availing of the said liberty, present application has been moved with the prayer for interim release only.

It is submitted by all sides that the investigation has already been concluded and the case is now pending trial, the charge having been framed, in the court of the Additional Sessions Judge.

The petitioner had earlier applied for release on regular bail, he also having moved application for release on interim bail before the trial court. By order dated 21.12.2018, he was granted release on interim bail till 07.01.2019, on the ground that the mother was to undergo knee operation on 26.12.2018. The said interim release was extended by the Sessions Judge from time to time lastly upto 30.01.2019 on which date his application for regular bail was dismissed and he was directed to surrender back to jail. There is no dispute that the petitioner complied with the said direction and surrendered back to jail.

It is pointed out that the mother of the petitioner has continued to be requiring medical attention, initially for follow up on account of the knee surgery but re-admitted to Ayushman Hospital and Health Services, Dwarka, New Delhi with the complaint of “seizure disorder with Accelerated Hypertension”. The discharge papers issued on 22.02.2019 by the said hospital read with the status report dated 21.02.2019 of Inspector Cyber Cell, Special Cell confirm that the

mother of the petitioner was diagnosed with medical condition described as “generalized tonic clonic seizure with Aranoid Cystand alongwith GTCS/vertigo/depressim”. Though she has been discharged from the hospital on 20.02.2019, she requires medical care at home.

In the above facts and circumstances, the counsel for the petitioner submitted that he requests for interim release on bail till 27.03.2019 assuring and undertaking that he would not press for any further extension on interim bail beyond the said date, he using the period for release on interim bail to make all arrangements so that his mother is well taken care of.

In the above facts and circumstances, prayer to that limited extent is granted. It is directed that the petitioner shall be released on interim bail till 27.03.2019 subject to the following conditions : -

- (i). The petitioner shall furnish personal bond in the sum of Rs.1,00,000/- with one surety in like amount to the satisfaction of the trial court;
- (ii). Prior to his release, he shall give the telephone numbers of self and of at least one other responsible family member besides that of the surety to the trial court;
- (iii). He shall scrupulously appear at each and every stage of the proceedings before the trial court so as not to cause any obstruction or delay to its progress;
- (iv). He shall not engage in any criminal activity;
- (v). He shall not directly or indirectly make any inducement, threat

or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence; and

(vi). He shall not leave India without the prior permission of the court of cognizance or the trial court, as the case may be, and to ensure due compliance with this condition and shall deposit his passport, if he holds one, with the said court.

The bail application is disposed of in these terms.

A copy of this order shall be transmitted to the jail authorities and to the trial court.

Dasti under the signatures of the Court Master.

R.K.GAUBA, J

FEBRUARY 28, 2019

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