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

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Judgment delivered on:09.05.2019

+ BAIL APPLN. 1172/2019

BENZI TAKHELLAMBAM

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. D.B. Goswami with Ms. Maibam Babina, Advocates.

For the Respondent: Mr. Rahul Mehra, Standing Counsel with Ms. Kusum Dhalla, APP with Inspr. S. Singh Bisht and Inspr. Vijay Kumar.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks interim bail in FIR No. 240/2018 under Section 302 of the IPC registered at Police Station Safdarjung Enclave on the ground that he has to take the Manipur Civil Service (Combined) Competitive Preliminary Exams 2019 which are scheduled to be held on 12.05.2019 between 10.00 a.m. to 12.00 p.m. and 2.00 p.m. to 4.00 p.m.

2. The examination Centre is Savio English Higher Secondary

School, Thangmeiband Sinam Lelkai, Tarung Road, Imphal-West, Manipur.

3. The factum of examination and appearance of the petitioner has been confirmed. However, the learned Addl. PP submits that since the petitioner is charged for the offence under Section 302 of the IPC and there is sufficient material to show his involvement, there is an apprehension that the petitioner may abscond in case he is admitted to interim bail. She, however, submits that the petitioner may be permitted to take the examination in police custody.

4. Learned counsel for the petitioner disputes that there is sufficient material available. He further submits that the petitioner being from a poor family and has only his mother to support him does not have sufficient funds to bear the expenses of the police personnel accompanying him for the purposes of taking him for examination. He however, submits that in so far as the petitioner is concerned he is willing to bear his own cost on travel.

5. Keeping in view of the peculiar facts and circumstances of the case and as submitted by learned counsel for the petitioner, the closet train connection from Delhi is Dimapur, Nagaland which takes approximately 44 hours and thereafter by road to Imphal is about 6 – 7 hours. The petitioner would have to be taken by flight as the examination is on Sunday 12.05.2019.

6. Accordingly, Superintendent Jail is directed to have the petitioner taken to Imphal by economy flight. The cost of the ticket of the petitioner shall be borne by him, however the cost of travel, boarding and lodging of the officers accompanying the petitioner shall be borne by the prison Department of the Delhi Government.

7. Petitioner shall be taken by flight to Imphal on 11.05.2019 and brought back on 13.05.2019. On reaching Imphal, petitioner shall be taken to a police station, in Imphal (West) close to the examination centre and lodged in the lock-up there.

8. The Superintendent of Police, Imphal-West is directed to ensure that petitioner on reaching Imphal is kept in a Police Lockup close to the vicinity of the Centre - Savio English Higher Secondary School, Thangmeiband Sinam Lelkai, Tarung Road, Imphal-West, Manipur.

9. Superintendent of Police, Imphal-West shall also ensure that boarding and lodging is provided to the police personnel accompanying the petitioner, either in the police station where the Lockup is situated or in close by Police Lines.

10. Superintendent of Police, Imphal-West shall also ensure that petitioner alongwith the accompanying officers are taken to the examination Centre on 12.05.2019 so as to reach the Centre at least one hour before the schedule time of the examination.

11. Direction is also issued to the concerned examination centre to

ensure that police personnel accompanying the petitioner are allowed to sit at a place where the petitioner is visible to them, throughout the duration of the examination.

12. Since this order has been passed keeping in view of the peculiar facts and circumstances of the case, the same shall not be treated as a precedent.

13. Application is disposed of in the above terms.

14. Copy of the order be forwarded to the concerned jail superintendent, who shall communicate the same to his counterpart in Manipur as also to the Superintended of Police Imphal-West.

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

SANJEEV SACHDEVA, J

MAY 09, 2019

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