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

+ **BAIL APPLN. 2430/2019**

RIZWAN

..... Petitioner

Through Mr. Hemant Gulati and
Mr. Ghanshyam Kaushik, Advs.

versus

STATE, NCT OF DELHI

..... Respondent

Through Ms. Meenakshi Chauhan, APP.
Insp. Kumar Santosh, P. S. Bhajan
Pura
Mr. Kshitij Dua, Adv for R2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **21.10.2019**

Crl. M.A. No.36845/2019

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

BAIL APPLN. No.2430/2019

3. The petitioner has filed the present application, *inter alia*, seeking interim bail for a period of six weeks in FIR No.634/2017 under Sections 302/120-B/34 of the IPC read with Sections 25 and 27 of the Arms Act, 1959 registered at P.S. Bhajan Pura. The petitioner is accused of hatching a conspiracy to murder a young man aged 22 years (Arif Hussain). Arif Hussain was shot dead on 23.10.2017 and it was alleged that two persons who had shot him had got away on motorcycles being ridden by two of their accomplices. It is alleged that on further investigation and on disclosure made by the four accused (two persons accused of shooting Arif and two

other riding the motorcycles), it was found that the conspiracy was hatched by the petitioner.

4. It is stated that the petitioner has been in custody for almost two years. The petitioner seeks interim bail on the ground that his wife requires to undergo cholecystitis surgery for removal of stones from her gall bladder. The status report indicates that the surgery was fixed for 09.10.2019. However, it was clarified that the said surgery has been deferred to 02.11.2019 and the petitioner's wife has been advised to be admitted to hospital on 01.11.2019.

5. In view of the above, the petition is allowed and the petitioner is directed to be released on interim bail for a period of two weeks from the date of his release on furnishing a personal bond in the sum of Rs.25,000/- and a surety of the like amount to the satisfaction of the concerned Trial Court. This is also subject to the following further conditions:

- (i) The petitioner shall provide his contact details to the concerned Jail Superintendent to ensure that he keeps his mobile phone active at all times;
- (ii) The petitioner shall report to the concerned S.H.O. every alternate day after release; the first day being the next day from the date of release. The petitioner shall not try and contact the family of the deceased during the aforesaid period.

6. The application is disposed of in the aforesaid terms.

7. Order be given *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

OCTOBER 21, 2019/DR