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

+ **BAIL APPLN. 374/2020**

PANKAJ KUMAR

..... Petitioner

Through: Mr. Yudhvir Singh Chauhan, Mr.
Sajan Pal Singh and Ms. Neelam
Chaudhary, Advocates

versus

THE STATE

..... Respondent

Through: Mr. Hirein Sharma, APP with W/SI
Neelam, P.S. Parliament Street

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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07.02.2020

CRL.M.A. 2900/2020 (Exemption)

Allowed subject to all just exceptions.

Application is disposed of.

BAIL APPLN. 374/2020

The present petition is filed under Section 439 Cr.P.C. for grant of anticipatory bail, who is in judicial custody since 14.01.2020 in case FIR No. 291/2015 registered at P.S. Parliament Street for the offences punishable under Section 376/506/34 IPC.

It is not in dispute that petitioner was already been on anticipatory bail throughout the investigation. Moreover, co-accused against whom similar set of allegations were levelled were already on bail and the trial is going on. The prosecutrix as well as all public witnesses have already been examined.

As stated by learned counsel for the petitioner that although petitioner was very punctual in attending the date of hearings before the Trial Court, however for the last about one year his parents were not maintaining good health and even undergone surgeries. Both parents are suffering from old age ailments and ultimately in the month of July, 2019 father of the petitioner underwent operation for Hernia. Besides this mother of the petitioner was unable to walk properly, due to her injury in leg and for that she was also operated. However, due to above-mentioned reasons, the petitioner could not appear before the learned Trial Court successively on some dates of hearing that is only between April 2019 to December 2019. Consequently, Trial Court was pleased to issue non-bailable warrants against the petitioner.

It is not disputed by learned APP that petitioner is now in jail since 14.01.2020 and submits that if this Court is inclined to grant bail, the petitioner may be directed to attend the Court regularly without fail.

Keeping in view the absence of the petitioner was due to ailment and surgery of the parents and the fact that he is in judicial custody since 14.01.2020, in addition to that he was granted anticipatory bail by the Court of Sessions, I am of the view that petitioner deserves bail.

Accordingly, he shall be released on bail on his furnishing personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Trial Court.

Copy of this order be given dasti under the signatures of Court Master.

Copy of this order be transmitted to the Jail Superintendent and the Trial Court concerned for necessary compliance.

SURESH KUMAR KAIT, J

FEBRUARY 07, 2020

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