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

+ BAIL APPLN. 430/2020

MAYANK alias CHITTI Petitioner

Through: Mr. Kameshwar Mishra, Advocate.

versus

STATE Respondent

Through: Mr. M.P. Singh, APP for State.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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02.06.2020

1. The hearing was conducted through video conferencing.
2. The applicant seeks bail in case FIR No. 624/2019 registered under sections 307/34 IPC, 1860 and under sections 25/27 Arms Act, 1959 at Police Station Bhalswa Dairy. He has been in judicial custody since 13.10.2019. There are four accused, of whom Mukesh @ Bouna and Rahul @ Lakkad are accused to have shot and attempted to murder the injured person/victim. The only role assigned to the applicant in the alleged incident is that he had spoken words to the effect that "*today we end his disease*". The learned counsel for the applicant submits that, ex facie, there was no active involvement of the applicant in the crime, except for his having allegedly so commented after the commission of the crime.
3. The learned Additional Public Prosecutor submits that the applicant has involvement in three other cases, one under section 307 IPC and two others under sections 323/324 IPC and under Arms Act, in the jurisdiction of the same police station or in the neighbouring police station.

4. Be that as it may, the Court has to look into the present application and determine if there is any valid ground made out for grant of bail in the present matter. Evidently, the allegations against the applicant are not of the same extent and gravity as of the other co-accused persons. The Court is inclined to grant bail to the applicant in the facts and circumstances of the present case.

5. Furthermore, the learned counsel for the petitioner submits that the recommendation made in the Minutes of the Meeting dated 18.05.2020 of the High-Powered Committee apropos release of Under Trial Prisoners has, *inter alia*, resolved as under:

“ ...
The Members of the Committee discussed the report submitted by DG (Prisons) vide his letter dated 16.05.2020 and resolved that prisoners falling in following criteria may now be considered for grant of interim bail for 45 days in view of the circumstances in which we are in, preferably on 'Personal Bond' :

...

...

(iii) Under trial prisoners (UTPs) facing trial in a case under Section 307 or 308 IPC and are in jail for more than six months with no involvement in any other case;

... ”

6. In the circumstances, the Court grants bail to the applicant. He shall be released from custody, if his custody is not required in any other case, on his furnishing a personal bond in the sum of Rs. 25,000/- to the satisfaction of the Jail Superintendent concerned. The applicant shall also furnish two sureties of the like amount, one of which shall be of a near relative, to the

satisfaction of the Jail Superintendent/Duty MM/learned court concerned.
Bail is granted on the following conditions:

- (i) The applicant shall keep the SHO/IO concerned informed of his whereabouts every Friday through SMS or telephone call or by 'dropping-a-pin' on location app (eg. Google Maps). The IO/SHO's telephone number shall be furnished to him directly as well as to his counsel.
 - (ii) The applicant shall appear before the Court and participate in the investigation whenever so required.
 - (iii) The applicant shall furnish his contact number to the SHO/IO concerned and shall ensure the said number is reachable at all times.
 - (iv) The applicant shall not do anything which may cause prejudice to the case of the prosecution against him.
7. The application is disposed-off in terms of the above.
8. Nothing stated in this order shall be deemed to be an adjudication on the merits of the case. The Registry is directed to send a copy of this order to the Jail Superintendent concerned for due compliance.
9. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

JUNE 02, 2020/RW