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

+ BAIL APPLN. 658/2020,Crl.M.(B) No.5838/2020

GULSHAN KUMAR Petitioner

Through: Mr. Piyush Chhabra, Advocate

versus

STATE Respondent

Through: Mr. Mukesh Kumar, Additional
Public Prosecutor for the State

AND

+ BAIL APPLN.666/2020,Crl.M.(B) No.5837/2020

GULSHAN KUMAR Petitioner

Through: Mr. Piyush Chhabra, Advocate

versus

STATE Respondent

Through: Mr. Raghvendra Verma, Additional
Public Prosecutor for the State

CORAM:

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **19.05.2020**

BAIL APPLN. 658/2020&Crl.M.(B) No.5838/2020 (Interim Bail)

BAIL APPLN.666/2020&Crl.M.(B) No.5837/2020 (Interim Bail)

1. By the last order dated 30.04.2020, this court had directed the respondent/State to file a detailed Status Report clearly indicating whether a telephone call on number 100 was made by the complainant at the material time and whether there was any DD entry recorded when the police officials had left the police station to go to

the residence of the applicant/accused and whether they were in uniform at the material time. The matter was directed to be listed today.

2. The learned Additional Public Prosecutor for the State informs that since the complainant had come straight to the Police Station, there is no record in respect of any call having been made to No.100. He also submits that the DD entry for recording the departure is not available as upon receipt of the complaint at the Police Station, the police officials who were on duty immediately reached to the spot for investigation.

3. The learned Additional Public Prosecutor further points out that there is CCTV footage that records the participation of the applicant/accused in a very aggressive manner and therefore, the absence of the record of a PCR call and the DD entry of the departure of police officials from the Police Station will not inure to the benefit of the accused.

4. The learned Additional Public Prosecutor further informs that pursuant to the last order, the Investigating Officer had visited the house of the applicant/accused who was found to be bedridden, having suffered an accident on his way to Delhi. It is informed by learned counsel for the applicant/accused that the documents in respect of his injuries have already been furnished.

5. The same are not available on the file. The Court Master is directed to trace them and place them on the record.

6. The learned counsel submits that the applicant/accused has suffered a fracture in the upper thigh and has to undergo an operation, which would be performed after the Covid test is taken and possibly in the next fortnight.

7. This Court notices that the accusation against the applicant/accused are serious in nature and his conduct in leaving the city is a material fact. Nevertheless, in the circumstances of the present case, as the accused has unfortunately met with an accident which has rendered him bedridden and with the need for an operation, without commenting upon the merits of the case, it is directed that in the event of his arrest, the applicant/accused shall be admitted to bail, subject to his furnishing a personal bond and surety bond in the sum of Rs.40,000/- each in each of the two cases being FIR No.0769/2019 under Section 392/34 IPC, P.S. Dabri and FIR No. 0770/2019 under Section 186/353/332/308/356/379/34 IPC, P.S. Dabri, Delhi, to the satisfaction of the Investigating Officer/SHO of the concerned Police Station, and subject to the following further conditions: -

- “(i) The applicant/accused shall join the investigation as and when required by notice in writing.
- (ii) The applicant/accused will not make any effort to talk to the witnesses or interfere, directly or indirectly, with the trial or tamper with the evidence.

- (iii) The applicant/accused will furnish his mobile phone/landline number and residential address as well as that of his surety to the I.O./SHO concerned and both shall keep their mobile/landline phones operational at all times during this period and in the event of any change of the same, will immediately inform the same to the I.O./SHO.
- (iv) The applicant/accused will not leave the NCR and the jurisdiction of the Delhi courts, even if the lockdown is eased, without specific permission from the Trial Court/Duty MM.”

8. The bail applications as well as pending applications are disposed of.

ASHA MENON, J

MAY 19, 2020

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