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

+ **BAIL APPLN.745/2020 & CRL.M.A.6508/2020**

MS. PREETI JAIN

..... Applicant

Through: Dr. L.S. Choudhary, Mr. Ajay
Choudhary, Mr. Vishesh Kumar,
Advs.

versus

STATE

..... Respondent

Through: Mr. Kewal Singh Ahuja, APP for
State with Insp. Ratnesh Singh.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

24.06.2020

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In terms of the proceedings dated 22.06.2020, the status report dated 23.06.2020 has been received from the Deputy Superintendent, Central Jail No.16, Mandoli specifying to the effect that the applicant herein is a female inmate of Central Jail No.16 and as per record of the Mandoli Jail, no female inmates of Jail No.16 has expired due to COVID-19 and one of the female staff members of Central Jail No.16, Mandoli has been found positive for COVID-19 and she is in home quarantine from 16.06.2020 and she was performing her duties in the office not inside the jail and also all safety measures are being implemented inside the jail to prevent the spread of COVID-19.

In the circumstances, the aspect of consideration of the grant of bail to the applicant because of the prevailing pandemic could not suffice to grant of bail to the applicant.

It is, at this stage, submitted by the learned counsel for the applicant that the applicant does not seek to press the BAIL APPLN.745/2020 with its prayer seeking grant of regular bail and that the learned counsel for the applicant now is confining his prayer made by the applicant to the grant of interim bail submitting to the effect that the applicant has to arrange for three minor children and that there is no one to look after them and there is a serious threat to the lives of the children as well as to the lives of the applicant due to the present pandemic and that children are aged 12 years, 8 years and 5 years. It is submitted on behalf of the applicant that the status report that had been previously submitted by the State which indicates that the three minor children of the applicant are living happily with Ms. Anju, the applicant's sister-in-law at X-28/31, Gali No.4, Brahampuri, Delhi, is erroneous with it having been submitted on behalf of the applicant to the effect that Ms. Anju, sister-in-law of the applicant is on litigating terms with the applicant and there is a Civil Suit 202/2019 which has been filed by Ms. Anju, Nanad of the applicant against the applicant as well as the three minor children pending before the learned ADJ, North-East and that the applicant is to defend herself therein.

On behalf of the State, learned APP for the State submits that Civil Suit 202/2019 pending before the learned ADJ, North-East is a collective suit between Ms. Anju Jain and the present applicant and instituted only as a ground to seek the grant of bail.

Inter alia it has been submitted on behalf of the applicant that she had started running a school in her property and was managing the affairs of the school as the Principal and Manager and due to her absence, the school is suffering and there is no management in school and as a consequence

thereof, the only source of income of the applicant would also be snatched for the rest of her life.

The status report submitted on behalf of the State is to the effect that that the sister-in-law of the applicant, Ms. Anju Jain is now managing the affairs of that school. The State also opposes the grant of bail to the applicant submitting to the effect that the applicant had murdered her own spouse as she had an affair with her paramour, her brother-in-law, Rahul Jain and that she had so got her spouse murdered in conspiracy with Rahul Jain and Vijay Kumar, the co-conspirators.

Vide proceedings dated 26.05.2020, in view of the status report that had been submitted on the record indicating that the FSL result is yet to be received in relation to the allegations levelled against the applicant of her having administered sleeping pills allegedly to her spouse, since deceased, the State was directed to make an endeavour to submit the copy of the FSL report on the record, the copy of the said FSL result dated 28.02.2020 has been placed on record submitted with the status report dated 21.06.2020 under signatures of the SHO, PS New Usmanpur, as per which, the stomach, pieces of small intestine with contents, kept in a jail, exhibit- 1B and Exhibit-1C- blood sample of the deceased as well as saturated solution containing preservative sample i.e. Exhibit-AD and 1/E had all given negative test for common poison and all that was found in the blood sample of the deceased was Ethyl alcohol 564.4mg/100ml of book with it having been submitted on behalf of the applicant that there is nothing to corroborate the aspect of administering of the sleeping pills by the applicant to her spouse.

Be that as it may in as much as now the learned counsel for the

applicant confines his prayer to the grant of interim bail, the prayer made by the applicant seeking grant of regular bail is declined and the application is now being considered only for the grant of interim bail.

In view of the submissions made on behalf of the applicant that the applicant has to spend some time with her three minor children and to also look after them due to both the present pandemic and to sort out the affairs of her life in relation to the school as well as the litigation with her sister-in-law who as per the status report submitted by the State is looking after three minor children of the applicant, for which submission has also been made on behalf of the applicant and taking into account the litigation between the applicant and her sister-in-law, the welfare of the three minor children needs to be considered.

In the circumstances, in the interest of justice, the applicant is allowed to be released on interim bail on humanitarian ground only so that she may provide for an arrangement for her three minor children need to be cared for and also for sustenance for a period of 60 days from the date of her release on filing a bail bond of Rs.1 lakh with one surety of the like amount to the satisfaction of the learned trial Court with directions that she shall not leave the city of Delhi, shall not make any contact with the witnesses of the prosecution and shall not intimidate them in any manner and shall drop a pin on the google map to ensure his telephonic and location availability to the Investigating Agency and to the SHO, PS New Usmanpur at all times and shall keep her mobile phone on at all times. Furthermore, the applicant shall report specifically to the Investigating Officer on every 4th day during the period of interim bail and shall surrender on the 60th day of her release before the Superintendent Jail, Delhi.

The application is disposed of.

ANU MALHOTRA, J

JUNE 24, 2020/vm