

via Video-conferencing

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

+ BAIL APPL. 772/2020

DHEERAJ MALHOTRA Applicant

Through: Mr. Rajat Katyal, Adv.

versus

STATE Respondent

Through: Mr. Ravi Nayak, APP for the State
with IO ACP Kumar Abhishek,
Punjabi Bagh and complainant
Poonam in-person.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **03.06.2020**

CRL. M.A. No. 7111/2020 (for exemption)

Exemption is granted, subject to just exceptions and subject to the applicant completing all requirements of filing certified copies of annexures, attested affidavits and court fees within 10 days of lifting of lockdown.

The application stands disposed of.

CRL. M.A. No. 7110/2020 (for extension of interim bail)

The present application has been moved in Bail Appl. No. 772/2020, which stands disposed of by order dated 22.04.2020.

2. The applicant was granted interim bail for 45 days *vidé* order dated 22.04.2020 made in this matter. By the present application, the applicant seeks extension of interim bail for a period of 60 days from

the date of expiry of the earlier period i.e. from 07.06.2020, on the ground of the prevalent pandemic.

3. Mr. Rajat Katyal, learned counsel for the applicant places reliance on order dated 09.05.2020 made by a Division Bench of this court in W.P.(C) No. 3080/2020 and order dated 15.05.2020 made by a Full Bench of this court in W.P.(C) No. 3037/2020, to say that the interim bail orders stand extended, or in any case should be extended, in view of the said orders made by larger benches. Counsel also refers to decisions of Co-ordinate Benches of this court, viz. order dated 14.05.2020 in Crl. A. No. 1104/2018 and order dated 24.04.2020 in Bail Application No. 781/2020, whereby the term of interim bail granted to accused persons has been extended.
4. On the other hand, Mr. Ravi Nayak, learned APP for the State, appearing on advance copy, states that since the present case also involves offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, there is a legal requirement under section 15A(5) of that statute to give an opportunity of hearing to the complainant/victim at the stage of granting, and therefore also extending, interim bail.
5. Accordingly, the complainant/victim has joined the video-conference hearing from the police station. The complainant/victim has also given a statement dated 02.06.2020 in writing, in which, after reciting the allegations in the case, she has opposed the extension of interim bail. The complainant/victim has also made detailed oral submissions on the extension of interim bail.

6. The State has also filed status report dated 02.06.2020, reiterating the allegations and case history; and opposing the extension of interim bail.
7. However, upon a conspectus of the facts and circumstances and in particular considering the essential purport, meaning and thrust of orders dated 09.05.2020 and 15.05.2020 made by larger benches of this court as cited above, I am of the view that the interests of justice would be served if interim bail granted to the applicant by order dated 22.04.2020 is extended for a further period of 30 (thirty) days commencing 08.06.2020, subject to the same terms and conditions as imposed by order dated 22.04.2020 made in this matter.
8. The application stands disposed of.
9. For the record, Bail Appl. No. 772/2020 already stands disposed of.

ANUP JAIRAM BHAMBHANI, J.

JUNE 03, 2020/uj