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

+ **BAIL APPL.781/2020**

VINAY

..... Petitioner

Through: Mr. Arvind Kumar Shukla, Advocate

versus

STATE

..... Respondent

Through: Ms. Radhika Kolluru, APP

CORAM:

HON'BLE MS. JUSTICE ASHA MENON

ORDER

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24.04.2020

CRL.M.A.5850/2020 (Exemption)

Allowed subject to all just exceptions.

CRL.M.A.5884/2020 (Exemption)

1. The application is allowed subject to the petitioner/applicant filing duly affirmed affidavit(s) alongwith the court fees/deficit court fees, if any, within 72 hours from the date of resumption of the regular functioning of this court.
2. The application is disposed of.

CRL.M.B.5808/2020 (by the petitioner for ad-interim bail u/S 482 r/w Section 439 Cr.P.C)

1. This application has been moved by the petitioner seeking interim bail in FIR No.29/2019 under Section 21 of the NDPS Act, registered at P.S. Crime Branch, Delhi, on the ground that because of the extraordinary conditions prevailing in the country due to Covid-19 epidemic, the petitioner

be released on interim bail to take care of his mother, who has no other support system. Interim bail for 45 days has been sought.

2. Mr. Arvind Kumar Shukla, learned counsel for the petitioner/applicant submits that the mother of the petitioner is unwell and is suffering from the after-effects of an injury she had suffered some time back. She has no one to serve her, as the wife of the petitioner is in her maternal home from where she is unable to come back due to the on-going lockdown. He submits that in these circumstances, it would be appropriate if the interim bail is granted to the petitioner extending not just for 45 days, as prayed for, but if the lockdown extends beyond 3rd May 2020 , then to a period of 15 days after the revoking of the lockdown.

3. Ms. Radhika Kolluru, learned APP submits that though the Status Report could not be uploaded, the facts in the application have been verified and the I.O. has confirmed that the mother of the petitioner is all by herself during the lockdown period and is in fact suffering a disability on account of an accident she suffered some five years back. Thus, she does not oppose grant of interim bail provided it was not left loose ended.

4. Though both counsel have argued on the merits of the case, this Court is not inclined to consider the merits, as the regular bail application bearing No.781/2020 is to pending consideration. However, the interim bail application is allowed in view of the lockdown and to cover the likelihood of the extension of the lockdown beyond 03.05.2020 and the fact that the mother of the petitioner is all by herself , with the direction that the petitioner be admitted to interim bail till 28.07.2020 on his furnishing a personal bond in the sum of Rs.20,000/- to the satisfaction of the concerned Jail Superintendent along with one surety of the like amount to the

satisfaction of the SHO Crime Branch, who shall accept the surety bond of the mother of the petitioner, at the house of the surety in view of the lockdown. The bonds will thereafter be transmitted to the Ld. Trial Court.

5. On furnishing the personal bond, the petitioner be released forthwith from jail if not required in any other case. The petitioner shall surrender before the ld Trial Court without fail on 28.07.2020. The petitioner shall also furnish his mobile phone number to the SHO concerned as well as to the Jail Superintendent immediately on his release and shall also be bound to make a call once a week reporting his presence to the SHO concerned.

6. The application stands disposed of.

ASHA MENON, J

APRIL 24, 2020

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