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

+ **BAIL.APPLN 803/2020**

RAUSHAN KUMAR MISHRA @ ASHU Petitioner

Through: **Mr.Girish Chander, Advocate.**

versus

STATE Respondent

Through: **Ms.MeenakshiDahiya, APP for State
with IO Virender Kumar Attri
(M-8178826777)**

**Ms.Inderjeet Sidhu, Advocate
(DHCLSC) for the prosecutrix.**

CORAM:

HON'BLEMR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

% 29.04.2020

CRL.M.A. 5928/2020 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

BAIL.APPLN 803/2020

1. The present bail application has been filed on behalf of the petitioner seeking interim bail in FIR No.3/2018 registered under Section 376 IPC and Section 6 POCSO Act at Police Station Adarsh Nagar, Delhi on the ground that the petitioner's family including his father, mother and wife are unwell.
2. Learned counsel for the petitioner has relied upon the prescription dated 22.01.2020 of Naraini Medical Centre and of Dr.RML Hospital dated 12.03.2020 to urge that the petitioner's father suffered a paralytic attack and

requires medical attention. He has also referred to the OPD record of Lady Harding Medical College with respect to the petitioner's mother.

3. Today, learned counsel for the petitioner has also relied upon the prescription dated 23.04.2020 (forwarded through email) with respect to the petitioner's wife to urge that she was medically examined with complaint of fever and breathlessness.

4. On the last date of hearing, on a request made by the complainant who joined through video conferencing, the Member Secretary, Delhi High Court Legal Services Committee was requested to appoint a panel lawyer for the complainant.

5. Ms. Inderjeet Sidhu, Advocate has appeared for the complainant. She submits that she has interacted with the complainant through video conferencing. It is informed that the complainant has already been examined and discharged by the Trial Court in the year 2018 and the rest of prosecution evidence is still going on.

6. Ms. Meenakshi Dahiya, learned APP for the State, duly assisted by the IO Virender Kumar Attri opposes the grant of interim bail to the petitioner. She, however, submits that the medical documents with respect to the father of the petitioner have been verified.

7. I have heard learned counsel for the petitioner as well as learned APP for the State who is duly assisted by learned counsel for the complainant.

8. Considering the facts and circumstances of the case and the medical attention required by the petitioner's family, the petitioner is admitted to interim bail for a period of three weeks from the date of his release, on his furnishing a personal bond in the sum of Rs.25,000/- to the satisfaction of the concerned Jail Superintendent. In view of the COVID-19 pandemic

resolution dated 07.04.2020 of the 'High Powered Committee' and the consequent order dated 09.04.2020 passed by Division Bench of this Court in W.P.(CRL.) 779/2020 titled as "Court of Its Motion v. State", the requirement of furnishing a surety bond is dispensed with. However, the grant of interim bail to the petitioner is subject to the following conditions:-

- (i) The petitioner shall not try to get in touch with the complainant or any other prosecution witness directly or indirectly and shall not make any effort to tamper with the evidence.
- (ii) The petitioner shall not leave the jurisdiction of NCT of Delhi during the period of his release on interim bail without the prior permission of the concerned Court.
- (iii) The petitioner shall provide his mobile telephone number to IO, Virender Kumar Attri and also shall remain in touch with him on his mobile number-8178826777 on every Monday and Thursday during the period of his release on interim bail.
- (iv) On expiry of interim bail period, the petitioner shall surrender before the concerned Jail Superintendent.

9. The applications stand disposed of in the above terms. The petitioner will be at liberty to pursue his other remedies in accordance with law.

10. A copy of this order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

MANOJ KUMAR OHRI, J

APRIL 29, 2020
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