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

+ **BAIL.APPLN 799/2020**

BABLU MATHUR

..... Petitioner

Through: Mr. Vikas Padora, Advocate.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Mukesh Kumar, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

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04.05.2020

CRL.M.A. 5923/2020 (Exemption)

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

BAIL.APPLN 799/2020 and CRL.M.A. 5924/2020 (exemption from filing attested affidavit of petitioner)

1. The present bail application has been filed on behalf of the petitioner seeking interim bail in FIR No.221/2015 registered under Sections 302/392/394/397/342/411/120B 34 IPC & 25/27 Arms Act at Police Station Karol Bagh, Delhi on the ground that the petitioner's mother has suffered swelling and tenderness in her right leg and there is no one else to look after her. He further submits that the petitioner has earlier also been released on interim bail on a number of occasions and he has not misused the concession and duly surrendered in time. Learned counsel further submits that all the material witnesses have been examined and only official witnesses remain.

2. On the other hand, learned APP for the State has submitted a common Status Report in the present case as well as BAIL.APPLN 827/2020. As per the Status Report, the medical prescription filed along with the petition with respect to the mother of the petitioner from Dr. Baba Saheb Ambedkar Hospital, Delhi has been verified. As per the Status Report, it has been verified that the prescription is genuine, however it is stated that the petitioner's mother has not suffered any fracture and has not been advised any bed rest. It is further stated that the petitioner has one brother and two sisters but they live separately at a distance of 3-4 kms from the house of the petitioner's mother. It is not denied that the petitioner's mother is staying alone and has suffered injury in her right leg.

3. Learned counsel for the petitioner has also shared a photograph of the petitioner's mother which shows that her right leg has been put in a cast.

4. In view of the facts and circumstances of the case and the fact that the petitioner has earlier been released on interim bail and has never misused the concession, the petitioner is admitted to interim bail for a period of six 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, SI Gautam and also shall remain in touch with him on his mobile number-9650628679 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.

5. The applications stand disposed of in the above terms alongwith the pending application.

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

MANOJ KUMAR OHRI, J

MAY 04, 2020

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