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

+ **BAIL APPLN. 863/2020**

RAJ KUMAR

..... Petitioner

Through Mr Saurabh Jhamb, Advocate.

versus

STATE (GVT. OF NCT OF DELHI)

..... Respondent

Through Mr Amit Gupta, APP for state.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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08.05.2020

CRL. M.A. 6183/2020

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. The petitioner has filed the present application, *inter alia*, praying as under:-

“To grant the interim bail for one month to the petitioner/accused in the Case FIR No. 90/2019, U/S 376-D/354-D/328/506/34 IPC registered with P.S. I.P. Estate, Delhi,”

4. The petitioner claims that his wife is suffering from serious ailments and he requires to attend to her. The petitioner has annexed medical documents relating to his wife, issued by Garg Hospital, along with the present petition.
5. Mr Amit Gupta, learned APP submits that the said documents are doubtful. He submits that the certificate dated 17.04.2020 issued by Dr

Sanjay Garg indicates that the petitioner's wife was admitted to Garg Hospital on 13.04.2020 and continues to be admitted at the hospital till date. (that is, till 17.04.2020). It has been verified that this is not correct and it is reported that the petitioner's wife was admitted to the said hospital only for few hours. Mr Gupta, also points out that on an earlier occasion the petitioner's wife was admitted to Lal Bahadur Shastri Hospital on 03.04.2020 and was discharged on 07.04.2020 in a stable condition.

6. There is some controversy with regard to the medical documents submitted by the petitioner; however, it does appear that the petitioner's wife is ailing considering that she was admitted to Lal Bahadur Shastri Hospital for a period of four days. In the circumstances, this Court considers it apposite to allow the present application and direct that the petitioner be released on bail for a period of one month from the date of his release on his furnishing a personal bond in the sum of ₹10,000/- to the satisfaction of the Jail Superintendent. This is subject to the following further conditions:-

- (a) that the petitioner shall not leave the National Capital Territory of Delhi;
- (b) that the petitioner shall confine himself to his residence and not venture out of his residence except for medical purposes or for purchasing essential goods;
- (c) that the petitioner shall provide a contact number and ensure that he is reachable at all times; and
- (d) that the petitioner shall not contact the complainant or her family members either directly or indirectly.

7. It is clarified that nothing stated in this order shall preclude the prosecution from proceeding against the petitioner for any of the alleged offences including filing of false/fabricated documents.
8. The jail authorities shall act on the basis of this order as uploaded on the website of the Registry of this Court without any further communication.
9. The petition is allowed in the aforesaid terms.

VIBHU BAKHRU, J

MAY 08, 2020
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