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

+ **Bail Appln. No. 886/2020.**

KARAN @ RAJ KARAN @ BITTO Petitioner
Through: Mr. Jitendra Sethi along with
Mr. Hemant Gulati,
Advocates.

versus

STATE Respondent
Through Mr. P.L.Sharma,
Ld. APP for the State.

CORAM:
HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER
13.05.2020

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BRIJESH SETHI, J.

The hearing has been conducted through video conferencing.

CRL.M.A.6290/2020(Exemption).

Allowed, subject to all just exceptions.

Bail Appln. No. 886/2020.

1. This is an application for grant of interim bail filed under Section 439 Cr.P.C. by the petitioner **Karan @ Raj Karan @ Bitto** in FIR bearing no. 491/2015, u/S. 307/120B/34 IPC, registered at P.S. Subzi Mandi, Delhi.

2. Issue notice.

3. Mr. P.L.Sharma, learned APP for the State accepts notice.

4. Ld. Counsel for the petitioner has prayed for interim bail on the ground that petitioner is innocent and has been falsely implicated. Petitioner is in JC in the present case for the last four years. It is submitted that mother of the petitioner namely Smt Meena Sharma is suffering from ureic calculus with Hydronephrosis in the kidney and, therefore, she has been advised surgery which is planned for 15.05.2020. It is submitted that petitioner is the only son and responsible adult male member to look after his ailing mother. It is further submitted that petitioner has already been admitted on bail in another FIR bearing no. 303/2014, PS Subzi Mandi, u/S. 302/307/120B IPC by the Ld. ASJ vide order dated 18.04.2020 on the similar ground of surgery of the mother of the petitioner whereas he is denied interim bail in the present FIR vide order dated 29.04.2020 which is registered under Section 307/120B/34 IPC only. It is, therefore, prayed that petitioner be released on interim bail for taking care of her ailing mother in the interest of justice.

5. Ld. APP for the state has opposed the interim bail application on the ground that it is yet to be verified whether surgery of the mother of petitioner is fixed for 15.05.2020 or not. According to him, the Doctor has advised surgery after lockdown only. It is lastly submitted that in view of the serious nature of offence, the present interim bail application be dismissed.

6. I have considered the rival submissions. Ld. APP submits that IO/Addl. SHO Praveen Kr., PS Subzi Mandi has informed him that he had contacted the mother of the petitioner on 13.04.2020 and she had informed him that her operation has been postponed due to Covid-19. However, Ld. Counsel for the petitioner makes a statement at Bar that as per information received by him, the surgery of the mother of the petitioner is scheduled for 15.05.2020 and presence of the petitioner is required, he being the only son. Keeping in view the fact that petitioner was earlier granted interim bail by the Ld. ASJ vide orders dated 07.10.2017, 22.12.2017 and 28.05.2018 and has never misused the liberty granted to him and further in view of the fact that operation of the mother of the petitioner is scheduled for 15.05.2020 and he is the only son, the petitioner is admitted to interim bail for a period of one month from the date of his release, if not required in any other case, on his furnishing a personal bond in the sum of Rs. 20,000/- to the satisfaction of the Duty MM/Jail Superintendent subject to the following conditions:-

- I. The petitioner shall contact the IO/SHO of concerned P.S. through whatsapp/telephonically on every Monday during the period of release;
- II. The petitioner shall not leave the jurisdiction of NCT of Delhi;
- III. The petitioner shall not contact the witnesses in any manner;
- IV. The petitioner shall surrender before the Jail Superintendent after the expiry of the period of interim bail.

7. Interim bail application stands disposed of accordingly.

8. A copy of this order be uploaded on the website of this court.

BRIJESH SETHI, J

MAY 13, 2020
(AK)

