

\$~VC-2

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

+ **BAIL APPLN. No.876/2020**

AASHAY SINGHAL

..... Petitioner

Through: **Mr.K.C. Mittal, Advocate**

versus

STATE

..... Respondent

Through: **Ms. Meenakshi Dahiya, APP for State**

CORAM:

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **14.05.2020**

1. This application has been moved by the applicant/accused in FIR No.139/2019 registered at Police Station Model Town, Delhi seeking interim bail on the ground that his parents are elderly and are unable to take care of his children aged six years and three years on account of the emergent situation due to COVID-19 pandemic.
2. On the last date of hearing, this Court had directed the State to file a Status Report alongwith the copy of the order on charge and the charge framed, as it was submitted by the learned APP that the present applicant has been charged for the offence under Section 302 of the IPC.
3. The Status Report has been perused, which confirms the fact that the charge as regards the present applicant has been framed under Sections 302/498A/304B/34 of the IPC, whereas charge under Sections 498A/304B/34 of the IPC have been framed against the remaining co-accused, namely, Anubhav Singhla and Anju Devi.

4. There is some force in the contention of the learned APP for the respondent/State that the accused is not on parity with the other co-accused and so, cannot claim bail on that ground. However, considering the prevalent situation, as the lockdown has not been lifted and the fact that elderly parents of the applicant are required to take care of the small children and their own age also makes them more vulnerable to repeated exposure, without commenting on the merits of the arguments advanced as to the heinousness of the charge, this Court directs that the applicant be admitted to interim bail for 45 days i.e. upto 27.06.2020, subject to his furnishing personal bond and a surety bond in the sum of Rs.30,000/- each to the satisfaction of the Duty MM/Trial Judge, and subject to the further following conditions: -

(i) The applicant will not make any effort to talk to the witnesses or interfere, directly or indirectly, with the trial or tamper with the evidence.

(ii) The applicant will furnish his mobile phone/landline number and residential address as well as that of his surety to the I.O./SHO concerned and both shall keep their mobile/landline phones operational at all times during this period and in the event of any change of the same, will immediately inform the same to the I.O./SHO.

(iii) The applicant will not leave the jurisdiction of the Delhi courts, even if the lockdown is eased, without specific permission from the Trial Court/Duty MM.

5. The petitioner will surrender before the Jail Superintendent, Tihar Jail on 28.06.2020.
6. With the above directions, the present application is disposed of.
7. Copy of this order be sent through electronic mode to the learned counsel for the parties, the Duty MM/Trial Judge and the Jail Superintendent.

ASHA MENON, J

MAY 14, 2020

s/sm