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

+ **BAIL. APPLN. 884/2020**

RIZWAN IQBAL

..... Petitioner

Through: **Mr. Amjad Khan, Advocate**

Versus

STATE

..... Respondent

Through: **Mr. Panna Lal Sharma, Additional
Public Prosecutor for State**

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER

% **13.05.2020**

Court hearing convened *via* video-conferencing on account of COVID-19.

Crl.M.A. 6287/2020 (exemption)

Allowed, subject to all just exceptions.

BAIL. APPLN. 884/2020

Petitioner is in custody since 30th November, 2017 in FIR No. 535/2014, under Sections 392/411/413/414/506/120B IPC, registered at police station Roop Nagar, Delhi. Vide this application, petitioner is seeking interim bail for 45 days on the ground that he has to take care of his father who has recently come out of quarantine because he was suspected of suffering from Covid 19 and is an asthmatic patient.

Notice.

Mr. Panna Lal Sharma, learned Additional Public Prosecutor for respondent/State accepts notice. He has opposed the interim bail application on the ground that similar application of petitioner was rejected by this Court on 9th April, 2020 vide a detailed order, which was also not interfered with by the Hon'ble Supreme Court while passing order dated 22nd April, 2020 in the Special Leave Petition preferred by the petitioner against thereof.

Learned counsel for the petitioner submits that the earlier bail application of petitioner was rejected by this Court on 9th April, 2020 specifically mentioning that petitioner's father was already quarantined for seven days and after passing of next seven days, there may be change of circumstances, and, that now since report of petitioner's father is negative, petitioner may be released on interim bail to take care of his ailing father aged 65 years and to meet the financial needs of the family by taking over his father's business of selling fruits and vegetables. Learned counsel for the petitioner next submits that on the earlier occasion also, petitioner was released on interim bail by the learned trial court for three days on 26th March, 2018 to attend his sister's marriage and that petitioner had surrendered on time and that there is no likelihood of petitioner fleeing, if released on interim bail.

On the other hand, learned Additional Public Prosecutor for respondent/ State submits that all the pleas urged herein were addressed by this Hon'ble Court in the order dated 9th April, 2020 and there are no change of circumstances and, therefore, this application deserves dismissal.

I have considered the rival contentions raised by learned counsel for the parties and have gone through the material on record. There are allegations against the petitioner in the instant FIR that he along with his co-accused had looted an amount of Rs.1.5 crores and shot the Guard of the cash van outside City Bank ATM at Kamla Nagar, Delhi. Upon his arrest in FIR No. 282/2016, registered at police station Gautam Budh Nagar, Uttar Pradesh, two revolvers and one pistol was recovered from his possession and that of his co-accused. The allegations leveled against the petitioner are serious in nature. However, without commenting on the merits of the case, this Court finds that petitioner's father had not tested positive for Covid 19 but was precautionarily quarantined. At present, he is stated to be suffering from asthma and is taking treatment at home and is not hospitalized. Petitioner has a 26 years old brother, who can also take care of his father. In view of the above facts and circumstances of the case, this Court finds no grounds to grant interim bail to the petitioner.

With aforesaid observations, this application stands dismissed.

A copy of this order be uploaded on the website forthwith.

BRIJESH SETHI, J

MAY 13, 2020

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