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

+ **BAIL APPLN.972/2020 & CRL.M.A. 6675/2020, 6687/2020**

GAURAV

..... Applicant

Through: Mr. Jitender Sharma, Advocate.
versus

STATE

..... Respondents

Through: Mr. Kewal Singh Ahuja, APP.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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02.06.2020

1. This hearing has been held by video-conferencing.
2. The Applicant in the present case – Mr. Gaurav has been booked under Section 307 of the IPC. He has been in custody since 16th January, 2019. The prayer in the Petition is for regular and interim bail. However, at this stage, ld. counsel for the Applicant submits that he restricts the prayer only to interim bail.
3. The submissions of ld. counsel for the Applicant are that the Applicant is only 29 years of age. It is submitted that as per the status report filed by the ld. APP, there is no major role which has been attributed to the Applicant in the commission of the offence and hence he ought to be granted at least interim bail. He also relies upon the minutes of the High Powered Committee dated 18th May, 2020, as per which the Petitioner qualifies for bail for 45 days.
4. Mr. Kewal Singh Ahuja, ld. APP submits that the Applicant does have an active role, which will be clear if the phones of the Applicant are

examined by the CFSL. Though the CFSL gave a report that the same could not be opened and the WhatsApp messages could not be seen, the prosecution is sending the same again for obtaining the report of CFSL. He thus submits that on merits, the prosecution has a good case.

5. At this point, Court is not venturing into the merits of the matter, as the charges are yet to be framed, though the charge sheet has already been filed. In view of the fact that the Applicant has only been accused of offences under Section 307, and has already served for more than six months, in terms of the minutes of the High Powered Committee dated 18th May, 2020, the Applicant is entitled for bail. The relevant extract from the minutes reads as under:

*“The Members of the Committee discussed the report submitted by DG (Prisons) vide his letter dated 16.05.2020 and **resolved** that prisoners falling in following criteria may now be considered for grant of interim bail for **45 days** in view of the circumstances in which we are in, preferably on ‘**Personal Bond**’:*

.....

*iii. Under trial prisoners (UTPs) facing trial in a case under Section 307 or 308 IPC and are **in jail for more than six months** with no involvement in **any other case**;*”

It is not the case of the prosecution that the Applicant is involved in any other case. Accordingly, the Applicant is granted interim bail for 45 days on the following terms and conditions:

- i) That he shall not leave Delhi;
- ii) That he shall report to the Investigating Officer on every Monday at 11:00 a.m. He shall give his active mobile number to the Investigating Officer, who shall be in constant touch with him;
- iii) That he shall furnish a personal bond and shall be released on

the strength of his personal bond subject to the satisfaction of the Jail Superintendent;

iv) That he shall not contact the complainants or the victim's family, or any other witnesses in the case.

6. The Applicant shall surrender immediately upon the expiry of 45 days. The present order be communicated to the Jail Authorities. The petition is disposed of in the above terms. All pending applications are also disposed of.

PRATHIBA M. SINGH, J.

JUNE 02, 2020

Rahul