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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN. 964/2020
SEEMA ... Petitioner
Through: Mr.Joginder Tuli, Advocate

versus
STATE, NCT OF DELHI ... Respondent
Through: Ms.Meenakshi Chauhan, APP for
State with Insp. Rampal, PS
Prashad Nagar.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
% **08.06.2020**

1. This hearing is conducted through video-conferencing.
2. This petition is filed by the petitioner under section 439 Cr.P.C. seeking interim bail in FIR No.97/2012 registered under sections 302/201/34 IPC at P.S. Prashad Nagar on the ground of meeting her minor children and senior citizen mother.
3. It is the case of the petitioner that she was arrested on 26.05.2012 and has been in continuous judicial custody for the last 8 years. The matter is fixed for final arguments on 22.06.2020. It is pleaded that the petitioner is 35 years old who is currently separated from her husband and has three minor sons aged about 13, 9 and 7 years and the petitioner has not met them since judicial custody. The parents of the petitioner are senior citizens about 75 years old.
4. Learned counsel for the petitioner states that the co-accused who is the main accused of the case Sh.Sanjay Yadav has already been granted interim bail by the order of the trial court on 01.06.2020. Reliance is also placed on an earlier order dated 25.07.2018 where the petitioner was

released on interim bail for a period of five days. It is pleaded that the petitioner did avail of the same and thereafter duly surrendered. Reliance is also placed on the order of this court dated 20.03.2020 whereby the petitioner was granted interim bail for a period of one week to enable her to attend her sister's wedding. It is pleaded that the petitioner could not avail of the said interim bail on account of present pandemic. She was unable to arrange for the necessary sureties. Reliance is also placed on the minutes dated 18.05.2020 of the High Powered Committee whereby the committee has recommended that under-trial prisoners facing trial for a case under section 302 IPC who were in jail for more than 2 years with no involvement in any other case should be granted interim bail for a period of 45 days in view of the present pandemic.

5. I have also perused the nominal roll filed by the Superintendent, Central Jail, Tihar. The nominal roll states that the petitioner has been in custody for 8 years and 7 days. Her conduct is stated to be satisfactory.

6. The State has also filed a status report.

7. Keeping in view the facts and circumstances of the case, the petitioner is directed to be released on interim bail for a period of 45 days from the date of her release on her furnishing a personal bond for a sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the Superintendent, Central Jail, Tihar and subject to following conditions:

- (i) The petitioner shall provide her current mobile phone number to the IO and will ensure that the phone number remains active.
- (ii) She is directed to mark her presence before the concerned IO every Monday through her mobile phone.
- (iii) In case, she leaves Delhi for her hometown in Bareilly,

she will inform the IO and give the complete address where she would be residing in Bareilly. Proper proof of residence in Bareilly would also be given to the concerned IO.

(iv) She will not in any manner seek to tamper with the evidence or threaten or contact in any manner the prosecution witnesses.

(v) The petitioner shall not leave the jurisdiction of the National Capital Territory of Delhi or Bareilly without prior permission of the concerned court.

(vi) The petitioner shall duly surrender at the end of the suspension period; and

(vii) Before the release of the petitioner and also at the time of surrender, all the precautions, which have been recommended by the High Powered Committee in view of the Pandemic, shall be observed by the Jail Authorities.

8. A copy of this order be sent by the Registry by e-mail to the Jail Superintendent, Tihar for information and necessary compliance.

9. With the above directions, the petition is disposed of.

JAYANT NATH, J.

JUNE 08, 2020/v