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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 962/2020

ORJI EUGENE JIDEOFOR

.....Petitioner

Through: Mr. Anoop Kumar Gupta, Advocate.

Versus

STATE (NCT OF DELHI)

..... Respondent

Through: Ms. Asha Tiwari, APP for State.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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26.05.2020

1. The hearing was conducted through video conferencing.
2. The petitioner seeks interim bail in FIR No: 895/2019 dated 02.11.2019 registered at Police Station Bindapur, Delhi, under section 21 NDPS Act, 1985, read with section 14 Foreigners Act, 1946. He has been behind bars since 03.11.2019 i.e. for almost 7 months. He was arrested for allegedly possessing contraband of about 150 gms. No testimonies or statements of eyewitnesses, present at the time of the arrest have been brought on record, although according to the police, there were a number of persons available at the spot.
3. The petitioner's wife delivered a female child on 07.05.2020. She is suffering from Hepatitis-B and is undergoing treatment in a hospital in Delhi. Her condition is stated to be serious and she requires constant assistance for herself as well as for the new-born child and there is nobody else to take care of them. The learned counsel for the petitioner submits that in the current pandemic

resulting in a nationwide lockdown, there is hardly likely to be any movement of persons inter-State or outside the country. The Status Report filed by Delhi Police and the learned APP for the State, confirm her afore stated medical condition and treatment, to the birth of the girl child and the position of the mother.

4. The learned counsel for the petitioner submits that a slew of administrative directions have been issued by the High-Powered Committee on 18.05.2020 for grant of bail for 45 days, even cases of Under Trial Prisoners (UTPs) facing trial for a case falling under section 302 IPC may be considered, where the prisoner has been in jail for more than two years. It has directed *inter alia* 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':

(i) Under Trial Prisoners (UTPs) facing trial for a case under section 302 IPC and are in jail for more than two years with no involvement in any other case;

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5. The petitioner seeks interim bail. His family circumstances, as confirmed by the police, are compelling. Especially in view of his new-born baby and his ailing wife, with no other familial or neighbourly support coupled with the fact that the current pandemic lockdown/isolation obviates any assistance from any one else. Therefore, the Court grants interim bail to the petitioner for a

period of six months from the date of his release, on his furnishing a personal bond in the sum of Rs. 20,000/-, to the satisfaction of the Jail Superintendent concerned. The petitioner shall also furnish a surety in the sum of the like amount to the satisfaction of the learned Trial Court/learned Sessions Court on resumption of normal functioning of the Courts. The Investigating Officer/SHO concerned shall duly intimate the petitioner about such requirement when the regular functioning of Courts resume. The interim bail is granted on the following conditions:

- (i) The petitioner shall keep the SHO/IO concerned informed of his whereabouts every Friday through SMS or telephone call or by 'dropping-a-pin' on location app (eg. Google Maps). The IO/SHO's telephone number shall be furnished to him directly as well as to his counsel.
 - (ii) The petitioner shall appear before the Court and participate in the investigation whenever so required, after resumption of normal functioning of courts.
 - (iii) The petitioner shall not do anything which may cause prejudice to the case of the prosecution against him.
6. The application is disposed-off in the above terms.
7. Nothing stated in this order shall be deemed to be an adjudication on the merits of the case. The Registry is directed to send a copy of this order to the Jail Superintendent concerned for due compliance.
8. The order be uploaded on the website forthwith. Copy of the order

be also forwarded to the counsel through email.

NAJMI WAZIRI, J

MAY 26, 2020_{/AB}