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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPL. 1005/2020

MS. KAJAL

..... Petitioner/Applicant

Through: Mr. Manoj Kumar Duggal, Advocate.

Versus

STATE (GOVT. OF N.C.T.) OF DELHI

.... Respondent

Through: Mr. Tarang Srivastava, APP for the
State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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09.07.2020

The applicant, who is an undertrial in case FIR No.142/2018 registered under sections 328/342/384/387/388/398/411/506/120-B/174-A/34 IPC and sections 25/54/59 of the Arms Act 1959 at PS: Prashant Vihar, Delhi, seeks regular bail.

2. Notice on this application was issued on 26.05.2020. The State has filed status reports dated 25.05.2020, 12.06.2020 and 06.07.2020. Nominal roll dated 08.06.2020 has also been received from the Jail Superintendent.

3. Mr. Manoj Kumar Duggal, learned counsel for the applicant contends that the applicant has been falsely implicated; that no role has been ascribed to her even in supplementary charge-sheet dated 30.10.2019; and 05 other co-accused, who the applicant contends are the main accused persons, have been admitted to bail by the Sessions Court. Giving details thereof, Mr. Duggal submits that the co-accused

namely Dinesh, Deepak, Gaurav, Lalit and Soniya have already been granted bail *vidé* orders dated 24.05.2018, 01.06.2018 and 05.06.2018 made by the learned Sessions Judge. However the applicant's bail application was rejected *vidé* order dated 25.01.2020.

4. Mr. Duggal further states that the applicant has a 05-year-old daughter who needs the applicant to take care of her. It has also been pointed-out that *vidé* order 22.01.2020 the applicant was granted interim bail for 03 days for attending her sister-in-law's marriage, whereafter she duly surrendered on 24.01.2020.

5. It is also urged that the applicant has been in judicial custody since 02.09.2019; and in view of the restricted functioning of courts, trial is unlikely to be completed anytime soon; so no purpose will be served by depriving the applicant of her liberty any further.

6. Counsel has further pointed-out that, as evidenced by nominal roll filed in the matter, there are a total of 03 criminal cases pending against the applicant, namely cases arising from FIR No.142/2018 i.e. the present case; FIR No.148/2018 under sections 328/342/384/34 IPC registered at PS: Prashant Vihar; and FIR No.242/2019 registered under sections 384/342/323/506/34 IPC at PS: South Rohini. Mr. Duggal submits that *vidé* order dated 22.11.2019 made by the learned Metropolitan Magistrate, the applicant has been granted bail in case FIR No.242/2019; and by order dated 26.06.2020 made by a Co-ordinate Bench of this court in Bail Appl. No.679/2020, the applicant has also been admitted to bail in case FIR No.148/2018.

7. Mr. Tarang Srivastava, learned APP for the State submits that considering the applicant's past conduct, namely that she had absconded in a connected matter, the main objection of the State is

that the applicant is a flight risk. Mr. Srivastava contends that the applicant had also been giving different addresses and changing the her place of residence from time-to-time, in order to evade the process of law. Mr. Srivastava submits that though *vidé* status report dated 06.07.2020, the latest address given by the applicant, namely A-1509 Jahangir Puri, Delhi has been verified and statement dated 01.07.2020 of the applicant's father has been recorded for the purpose, who has said that the applicant's family now resides at A-1509 Jahangir Puri; it be noted that in the bail application moved before the Co-ordinate Bench in FIR No.148/2018, the applicant had given an Adarsh Nagar address.

8. Be that as it may, in statement dated 01.07.2020 recorded of the applicant's father, he states that w.e.f. 02.09.2019 the applicant's husband Deepak and her daughter reside on the first floor of premises No. A-1509 Jahangir Puri, Delhi.

9. Considering that of the 03 cases pending against her, the applicant has been admitted to regular bail in 02 cases as detailed above; that the applicant has been in judicial custody for about 09 months; that charge-sheet has been filed; and the trial is underway, which however is unlikely to be completed anytime soon; that the main apprehension, that the applicant had not furnished her correct address, now stands resolved, and it stands verified that the applicant's family including her father, husband and daughter stay at the Jahangir Puri address mentioned above, this court is persuaded to grant to the applicant regular bail, subject to the following conditions:

- a. The applicant shall furnish a personal bond in the sum of Rs.50,000/- with 01 surety in the like amount from her father, to the satisfaction of the Trial Court;

- b. The applicant shall not leave the State of Delhi without permission of the Trial Court and shall *ordinarily* reside at the address given above i.e A-1509, Jahangir Puri, Delhi; and if there is to be any change in her residential address, the applicant shall inform the Investigating Officer of the same in advance;
 - c. The applicant shall furnish to the Investigating Officer a cellphone number on which the applicant may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
 - d. If the applicant has a passport, she shall also surrender the same to the Trial Court ;
 - e. The applicant shall not contact, nor visit, nor offer any inducement, threat or promise to the first informant/ complainant or to any of the prosecution witnesses. The applicant shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that may prejudice the proceedings in the matter.
10. Nothing in this order shall be construed as an expression on the merits of the pending matter.
11. The application stands disposed of.
12. Other pending applications, if any, also stand disposed of.
13. Copy of this order be sent to the Jail Superintendent.

ANUP JAIRAM BHAMBHANI, J.

JULY 09, 2020

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