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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN.998/2020**

MOBIN

..... Petitioner

Through: Mr Sundeep Sehgal, Advocate.

versus

STATE

..... Respondent

Through: Mr Amit Gupta, APP for state.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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26.05.2020

[Hearing held through video conferencing]

CRL. M.A. 6773/2020

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. The petitioner has filed the present petition claiming that he is entitled to be considered for interim bail in terms of the guidelines issued by the High Powered Committee on 18.05.2020. The petitioner claims that he is suffering from Hepatitis B. He is currently under trial for an offence under Section 302 of the IPC.
4. Admittedly, the petitioner was not covered in the guidelines issued by the High Powered Committee prior to 18.05.2020.
5. In terms of the Guidelines issued on 18.05.2020 “under trial prisoners (UTPs) facing trial for a case under Section 302 of the IPC and are in jail for more than two years with no involvement in any other case” are eligible for

being considered for interim bail.

6. It is at once clear that in order to fall within the four corners of the Guidelines issued on 18.05.2020, it would be necessary for the a prisoner under trial for an offence punishable under section 302 IPC to be incarcerated in jail for more than two years with a further condition that he/she is not involved in any other case. In the present case, the petitioner has not been in custody for more than two years. Thus, the necessary conditions as specified in the Guidelines dated 18.05.2020 are not met.

7. In view of the above, the contention that the petitioner is entitled to be considered for interim bail on the basis of the said guidelines is unmerited. Since, no other contention has been advanced on behalf of the petitioner, it is not necessary to examine any other issue in the present petition.

8. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

MAY 26, 2020

pkv