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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1016/2020**

BADAL Applicant

Through: Mr. Pradeep Mishra, Adv.

versus

STATE Respondent

Through: Mr. Raghuvinder Verma, APP for
State with Insp. Keshav Mathur,
SHO, PS Saket.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **05.06.2020**

Vide the present application, the applicant has sought the grant of interim bail for a period of 45 days in relation to the FIR No.196/2019, PS Saket for the offences punishable under Sections 302/120B/34 of the Indian Penal Code, 1860, and Sections 25/27/54/59 of the Arms Act, 1959. It has been submitted on behalf of the applicant that the applicant's wife requires a surgery for removal of gall bladder stone.

The status report that has been submitted by the State dated 03.06.2020 under signature of Inspector Keshav Mathur, SHO, PS Saket indicates that presently there is no date of surgery that has been scheduled but the documents of the Safdarjung Hospital have been verified which indicate that on 07.04.2020, the GB surgery of the wife of the applicant had been cancelled because of the COVID pandemic and thus no fresh date of surgery has been given and that all routine OT surgery are closed.

The Safdarjung Hospital having been declared a COVID hospital presently, it is apparent that surgeries cannot be performed there. The factum

however of the requirement of a surgery of the wife of the applicant is borne out through the records.

On behalf of the applicant it has been submitted that applicant needs to make the requisite arrangement for the surgery of his wife to be performed and interim bail may thus be granted for the same.

On behalf of the State it has been submitted that even when the previous dates of surgery had been fixed qua the wife of the applicant, the applicant was incarcerated and that she was in a position to get the date of surgery fixed. It has been submitted on behalf of the applicant that in the present scenario where the Government hospitals are not conducting any elective surgery, the applicant's wife being in pain due to the Gall Bladder stone, the presence of the applicant for arranging the requisite surgery and finances for the same is necessary.

On a consideration of the submissions that have been made on behalf of either side and the status report submitted on the State, in the interest of justice, the applicant is allowed to be released on interim bail for a period of 15 days from the date of his release on submission of a bail bond for Rs.50,000/- with one surety of the like amount to the satisfaction of the Superintendent Jail, Delhi with directions that he shall surrender on the 15th day of his release before the Superintendent Jail, Delhi, shall not leave the city of Delhi, shall keep his mobile phone on and telephonically mark his presence to the IO/ SHO of the Police Station Saket on every 7th day from the date of his release.

The application is disposed of.

ANU MALHOTRA, J

JUNE 5, 2020/vm