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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ BAIL APPLN. 1025/2020

PRAVEEN KUMARApplicant

Through: Mr. Amit Sharma, Adv.

Versus

STATE (NCT OF DELHI)Respondent

Through: Mr. A.K. Garg, Learned APP for State
with Insp. Rajesh Johari, Investigating
Officer, DIU, Shahdara.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

03.07.2020

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The verification report in relation to the averments made in the application filed by the applicant seeking grant of interim bail has been submitted by the State.

Vide the present application, the applicant had sought the grant of interim bail submitting to the effect that he is to get the knee surgery of his mother conducted apart from submitting *inter alia* to the effect that he fell within the ambit of the guidelines of the meeting dated 18.05.2020 of the Hon'ble High Powered Committee of this Court submitting further to the effect that he has been incarcerated for more than 2 years and that he was entitled to seek the grant of discretionary bail in relation to the FIR No.387/2016, PS Farsh Bazar, under Sections 498A/306/302/201/34 of the Indian Penal Code, 1860.

Vide order dated 11.06.2020, it was observed to the effect that in as much as the nominal roll received from the Superintendent Jail, Delhi indicates that as on 08.06.2020, the applicant has undergone 1 year, 11 months and 8 days of incarceration and that thus the applicant does not fall within the ambit of the minutes of the meeting dated 18.05.2020 of the Hon'ble High Powered Committee of this Court.

It is submitted on behalf of the applicant that now after the lapse of time, it is 03.07.2020 now, the applicant has undergone a period of two years of incarceration, which is not refuted on behalf of the State.

As regards the documents issued by Dr. R.K. Sachdeva of Kosmos Superspeciality Hospital dated 30.05.2020 placed at page 58 of the application, the same has already been verified by the State in as much as it had been submitted on behalf of the State on 11.06.2020 that there was the father of the applicant and the co-accused Subhash and Prem Lata, real uncle and aunty of the applicant residing in the same vicinity where the parents of the applicant reside who can look after the ailing parents of the applicant and in as much as the estimated expenditure of Rs.2.5 lakhs was to be incurred as mentioned in the document issued by Dr. R.K. Sachdeva dated 30.05.2020 in as much as it is submitted on behalf of the applicant that the applicant would be in a capacity to arrange the said amount, the applicant was directed to place on record the manner in which he intends obtaining the sum of Rs.2.5 lakhs and by when, he would be in a position to obtain the same. The affidavit of the sister of the applicant was thereafter submitted in relation to the stated properties and valuables from where the applicant intends to arrange the said amount of Rs.2.5 lakhs for the operation of the mother of the applicant for a knee surgery.

The status report has been submitted by the State which indicates that plot no.104, Block No.28, area measuring 12.1/2 ft. x 17.1/4 ft. out of khasra no.831 situated at village Chandrawali, Shahdara in the abadi of Block No.28, Gali No.14, Vishwas Nagar, Shahdara, Delhi verified from the office of the Sub-Registrar-IV, Delhi, exists in the name of the applicant and that the market value of the said property is approx. Rs.20 lakhs. The said status report submitted on behalf of the State also indicates that the motor cycle bearing no.DL 13S N4265 has been registered in the name of the applicant as verified from the office of the Transport Department East Zone-II. As per the status report, the sum of Rs.1,40,000/- is stated to be payable by one Mr. Subhash

Chand Bose to the applicant in relation to which a committee/chit fund has since been closed. The said status report has been submitted under the signature of Insp. Rajesh Johari, DIU/ Shahdara.

Though on behalf of the State the prayer is vehemently opposed submitting to the effect that the allegations levelled against the applicant are grave, it is essential to observe that the applicant is entitled to the consideration of grant of interim bail on the grounds now of his falling within ambit of the guidelines of the minutes of the Hon'ble Powered Committee dated 18.05.2020 of this Court as well as on the ground of the knee surgery to be performed on his mother, in the circumstances, the applicant is allowed to be released on interim bail purely on humanitarian grounds for a period of 45 days from the date of his release on filing a bail bond of Rs.50,000/- with one surety of the like amount to the satisfaction of the learned trial Court, Duty Judge with directions that:-

- he shall not leave the city of Delhi;
- he shall keep his mobile phone on at all times;
- he shall drop a pin on google map to ensure his availability to the Investigating Officer at all times;
- he shall mark his telephonic presence to the Investigating Officer of the case on every 7th day during the period that he is on interim bail;
- he shall make no contact with the complainant and witnesses of the prosecution and
- he shall commit no offence whatsoever.

The applicant is further directed to surrender on the 45th day of his release before the Superintendent Jail, Delhi.

The application is disposed of.

ANU MALHOTRA, J

JULY 03, 2020/vm