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

+ **BAIL APPLN. No. 1045/2020**

RAKESH @ JATI

..... Petitioner

Through: **Mr.Tarun Gahlot , Advocate**

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: **Ms.Rajni Gupta, APP for the State
with SI Kulbir, PS Raj Park**

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

15.06.2020

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The applicant vide the present application seeks grant of interim bail submitting inter alia to the effect that he had fallen in the jail and is suffering from fracture.

The status report that has been received previously on the record vide the proceedings dated 3.6.2020 indicated that the X-ray report was suggestive of a fracture of the bilateral mid shaft radius for which the applicant was advised all routine investigations and appropriate treatment and also advised to be referred to Ortho department of the DDU Hospital with all report for further management.

Vide order dated 3.6.2020 a further report had been called from the Superintendent Jail, Tihar, after review of the applicant and ECG and Chest X-ray. The status report was not received on 5.6.2020 but was subsequently received on 8.6.2020 from the Superintendent Jail **which indicates that the applicant is unable to perform his daily chores**, though it was further

reported through the said report that the applicant's condition is stable and he is being provided medicines from the jail dispensary.

It is submitted on behalf of the State the allegations against the applicant are qua the offences punishable under Section 302/307/34 of the Indian Penal Code, 1860 and in the event of the applicant being released on bail, there is a likelihood of his tampering with the evidence.

The status report earlier filed by the State indicated that the applicant's family was not living at S-426, Mangol Puri, New nor at S-672, Mangol Puri, Delhi, the address mentioned in the affidavit of the wife of the applicant. In view thereof the proof of the present address of the applicant and applicant's family was directed to be placed on record by the applicant and pursuant thereto the applicant has placed on record the photocopy of his Aadhar Card which gives the address as S-426, Mangolpuri, and has also placed on record the photocopy of the Agreement to Sell indicating that the applicant had purchased the said property and at which the Aadhar Card has been made. There is also a possession letter in relation to this property, i.e., S-426, J.J.Colony, Mangolpuri, Delhi which documents are of the year 2014.

The status report that has now been submitted on behalf of the State under the signatures of the SHO PS Raj park issued on 13.6.2020 indicates that the address of the applicant was verified and the family members of the applicant were found residing there but the sons of the petitioner were not present and were absconding and it was also learnt on enquiry that from the incident on 1.1.2020 the family members of the applicant had left the address and had returned a week ago at the address. It is also reported by the State that the electricity bill is also in the name of the applicant and that

the applicant bought the house six year back. The statement of Smt. Sumitra (mother of the applicant) was also recorded which is also placed on record. It has been submitted on behalf of the applicant that he is unable to perform his daily chores due to the injuries that he has sustained.

Though there is opposition on behalf of the State submitting to the effect that the applicant's family had begun residing at the said address only for the purpose of the bail application, it is considered essential in the interest of justice that the applicant be released on interim bail to enable him to get requisite medical treatment for his well being.

The applicant is thus allowed to be released on bail for a period of 45 days from the date of his release on his furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the Superintendent, Jail, Tihar with the conditions that he shall surrender on the 45th day of his release, and shall keep his mobile with the location on at all times during the period of his release and shall also utilize the drop of pin on the google map to update his location at all times. Further more, the applicant is directed to telephonically inform the SHO Raj Park of his presence every fourth day during the period of his release and shall also provide the copies of the medical documents in relation to his contemplated surgery within 10 days of his release from the jail. The applicant shall make no contact with the complainant; the applicant shall not tamper with the evidence, the applicant shall not leave the city of Delhi and shall commit no offence whatsoever during the period of his release.

The application stands disposed of.

ANU MALHOTRA, J

JUNE 15, 2020/sv