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

+ **BAIL APPLN. 1101/2020**

SUNIL

..... Petitioner

Through: Mr. Vikas Khatri, Advocate.

versus

STATE

..... Respondent

Through: Mr. Kewal Ahuja, APP for State.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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04.06.2020

1. The hearing was conducted through video conferencing.
2. The applicant seeks bail in FIR No. 51/2019 registered under sections 376 IPC and sections 6/21 of POCSO Act at Police Station Adarsh Nagar to take care of his mother who has been advised to undergo angiography for management of her heart condition. She is also suffering from hypertension. The applicant's father too is keeping unwell. There is nobody else at their home in Delhi to take care of them. The doctor's prescription has been verified. The applicant states that although his married sister is in Delhi, she is unable to take the mother to the hospital as her in-laws are fearful of her contracting the viral infection. Nevertheless, the applicant is certain that his married sister or any other relative will furnish surety for him if he is so released. The complainant lives in Etawah with her relatives and her other sister also lives with another relative. They are stated to be in secure conditions and places distant from Delhi. According to the police, the conduct of the applicant

in jail is stated to be satisfactory.

3. In the compelling circumstances of the mother's medical condition especially in the current pandemic lockdown for the past ten weeks, and keeping in mind that the complainant is otherwise in a secure environment, the applicant is granted interim bail for a period of 15 days from the date of his release, on his furnishing a personal bond in the sum of Rs. 20,000/- with a surety of the like amount to the satisfaction of the Jail Superintendent/Duty MM concerned. Bail is granted subject to the following conditions:

- (i) The applicant shall keep the SHO/IO concerned informed of his whereabouts through a video call every day between either between 11-11:30 a.m. or between 5-6 p.m.. If a video call is not possible, he may send an SMS apropos his whereabouts as well as 'drop-a-pin' on location app (eg. Google Maps) to indicate his location. Before the release of the applicant from incarceration, the IO shall ensure that the applicant has a video-call facility on his telephone. The IO's telephone number is stated +91 99102 38765.
- (ii) The applicant shall provide his contact number to the IO/SHO concerned and ensure that the said number is reachable at all times.
- (iii) The applicant shall not leave the jurisdiction of the local police station of his place of residence, except to visit a hospital or a doctor as may be advised/necessary.
- (iv) The applicant shall not contact or attempt to contact the complainant in any manner and shall not do anything which

may prejudice the case of the prosecution.

4. The application is disposed-off in terms of the above.
5. Nothing stated in this order shall be deemed to be an adjudication on the merits of the case. The Registry is directed to send a copy of this order to the Jail Superintendent concerned for due compliance.
6. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

JUNE 04, 2020/RW