

\$~A-11

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

+ **BAIL APPLN. 1172/2020**

RAKESH KUMAR ALIAS RAJU ...Applicant

Through **Mr. Girish Chander and Mr. Puneet
Jaiswal, Advocates.**

versus

STATE (NCT OF DELHI) ... Respondent

Through **Ms. Asha Tiwari, APP for the State.**

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

12.06.2020

%

Hearing has been conducted through Video Conferencing.

This is a petition filed under Section 439 CrPC seeking interim bail for a period of 45 days in FIR No. 92/2010, registered at PS Nihal Vihar, under Sections 302/120B/34 IPC read with Sections 25/27/54 & 59 of the Arms Act.

Counsel for the Applicant submits that the Applicant has been falsely implicated and that he has been in judicial custody since 13.01.2010 i.e. for almost 10 years. He further submits that the Applicant was enlarged on interim bail only once in the year 2019 and he had surrendered on the expiry of the bail period.

Learned counsel further submits that the matter is pending at the stage of final arguments since 17.05.2017 in the Trial Court and there has been no progress in the last three years.

Interim bail is sought by the Applicant to look after his younger daughter, who is a specially abled child. Medical Record to substantiate the

disability of the child has been placed on record. Parents of the Applicant are aged about 75 years and the wife of the Applicant left him few years ago.

Learned counsel further submits that bail was declined by the Trial Court only on the ground that Applicant is a resident of Haryana and during the lockdown period, movement across the State borders was restricted.

The next submission is that the case of the Applicant is squarely covered by the criterias specified by the High Power Committee in the Minutes of Meeting dated 18.05.2020.

Reliance is also placed on an order of this Court in Bail Application No. 709/2010 titled *Feroz Alam v. State* and it is contended that the Court has granted Regular Bail to the Applicant therein on the ground that final arguments are pending since July, 2019.

Learned counsel submits that since the evidence is over and the matter is only pending at the final arguments stage, there is no apprehension of the Applicant tampering with any evidence.

Status Report has been filed. Disability Certificate of the daughter of the Applicant has been verified and found to be genuine.

It is stated in the Status Report that the Applicant is blessed with two other children, a son aged 20 years and another daughter aged 17 years.

It is confirmed that the wife of the Applicant is not staying with him. The three children are being looked after by the aged parents of the Applicant. Bail is, however, opposed on the ground that the charges against the Applicant are serious.

I have heard the learned counsel for the Applicant and the learned APP.

Applicant is admitted to Interim Bail for a period of 45 days from the date of his release from the Jail, on his furnishing a personal bond in the sum of Rs.15,000/- and a Surety of like amount, to the satisfaction of the concerned Jail Superintendent.

Bail is granted subject to the following conditions: -

- (i) The Applicant shall not leave the State of Haryana without prior intimation to the concerned SHO/I.O.
- (ii) Learned counsel informs the Court that the Applicant does not possess a mobile phone, as he has been in judicial custody for the last 10 years. Applicant will furnish the mobile number of his son, who is aged 20 years, to the concerned Jail Superintendent, before his release and shall keep his mobile phone operational at all times. He shall also communicate with the concerned SHO/IO telephonically, every Monday and Thursday between 10.00 a.m. – 10.30 a.m.
- (iii) The Applicant shall surrender on the date of expiry of his interim bail before the concerned Jail Superintendent.

Application is disposed of in the above terms.

A copy of the order be communicated to the concerned Jail Superintendent for information and necessary action.

This order be uploaded on the Website of Delhi High Court.

JYOTI SINGH, J

JUNE 12, 2020