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

+ **BAIL APPLN. No.1194/2020**

ANISH YADAV

....Petitioner

Through : Mr. Manish Kumar Singh, Adv.

versus

THE STATE (GNCT OF DELHI)

....Respondent

Through : Mr. Hirein Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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22.06.2020

[Court hearing convened *via* video-conferencing on account of COVID-19]

1. Notice in this petition was issued on 10.06.2020. Thereafter, the matter was taken up on 17.06.2020.
2. Since then the respondent/State has filed a status report in the matter as well as the nominal roll concerning the petitioner.
3. The nominal roll is indicative of the fact that the petitioner has spent 3 years 5 months and 10 days in judicial custody.
4. The record also shows that the case of the prosecution is that the petitioner along with, one, Mr. Prem Singh hatched a conspiracy which led to the death of, one, Ravi Kumar

5. It is the prosecution's case that the petitioner was in love with the woman who, ultimately, married with the deceased i.e. Ravi Kumar which propelled the petitioner to hatch a conspiracy with Prem Singh to murder Ravi Kumar.

6. The prosecution claims that a poisonous injection was used by Prem Singh due to which a jab injury was caused on the neck of the deceased i.e. Ravi Kumar.

7. It is not disputed by Mr. Hirein Sharma, who appears on behalf of the respondent/State, that material witnesses have been examined in the matter.

7.1 Mr. Sharma says that the ground sought to be projected by the petitioner for grant of interim bail, which is the ailment of his mother, does not subsist as she has been cured.

8. On the other hand, Mr. Manish Kumar Singh, who appears on behalf of the petitioner, has taken me through the medical record to establish that the petitioner's mother is taking treatment from a psychiatrist.

8.1 It is contended by Mr. Singh that the petitioner needs to be with his mother for at least a short period so that the mother's mental health is shored up.

8.2 Mr. Singh further submits that a false case has been lodged against the petitioner and that the petitioner was not apprehended at the spot where the incident occurred.

8.3 Mr. Singh says that the person who was apprehended at the spot was Prem Singh.

8.4 It is also Mr. Singh's contention that the other case which was lodged against the petitioner i.e. FIR No.691/2016 was based on the complaint made by the petitioner's wife. In that case, the petitioner was accused of committing the offences under Sections 498A/406/34 IPC.

8.5 It is Mr. Singh's contention that the false accusations in the instant case has led to a disruption in petitioner's marital life as well.

9. I have heard learned counsel for the parties and perused the record.

10. I am inclined to release the petitioner, who has spent 3 years 5 months and 10 days in judicial custody, on interim bail for 15 days having regard to his mother's illness, subject to the following conditions.

- i. The petitioner will furnish a personal bond of Rs. 25,000/- with a surety of like amount to the satisfaction of the concerned duty Magistrate.
 - ii. The period of 15 days will commence from the date of release of the petitioner.
 - iii. On completion of the aforementioned period, the petitioner will surrender to the concerned Jail Superintendent.
 - iv. Needless to add, the petitioner will neither get in touch, directly or indirectly, with any person/witness who is concerned with the trial of the case, nor will he tamper with the evidence.
11. The Registry is directed to transmit a copy of the order passed today, electronically, to the concerned Jail Superintendent.

12. The captioned application is disposed of in the aforesaid terms.

RAJIV SHAKDHER, J

JUNE 22, 2020
Aj/KK

Click here to check corrigendum, if any

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