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

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Judgment delivered on: 24.06.2020

+ BAIL APPLN. 1252/2020

RAHUL @ GANNI

..... Petitioner

versus

STATE

.....Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Jitendra Sethi and Mr. Hemant Gulati, Advocates.

For the Respondent: Mr. G.M. Farooqi, APP for State.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Petitioner seeks interim bail for a period of six weeks in FIR No.566/2018, P.S. Mukherjee Nagar under Sections 302/307/120B/109/114/115 IPC read with Sections 25/27 Arms Act on the ground of medical condition of his brother.
3. Learned counsel for the petitioner submits that there is no direct role ascribed to the petitioner and petitioner is sought to be roped in by applying Section 120B of the IPC. Learned counsel submits that

there is no eye witness to the role ascribed to the petitioner and the only witness on whose statement petitioner was sought to be roped in has already declined to identify the petitioner.

4. Learned counsel further submits that the brother of the petitioner has to undergo surgery for removal of stone calculus from his kidney. The doctors have advised for arrangement for two units of blood for the surgery.

5. Learned counsel for the petitioner submits that the petitioner was earlier also released on interim bail on 30.12.2019 and had duly surrendered after the period was over.

6. Mr. Farooqi, learned APP appearing for the State submits that the medical condition and the necessity of surgery has been verified. He also confirms that there is no other male family member in the family to take care of the brother of the petitioner during and immediately after the surgery. Mr. Farooqi submits that as per his instructions, there is no adverse report for the period when petitioner was earlier released on interim bail. He, however, submits that even though one of the witnesses has failed to identify the petitioner, there are other materials available against the petitioner on record.

7. Without commenting on the merits of the case and keeping in view the facts and circumstances and also the medical condition of the brother of the petitioner, on petitioner furnishing a bail bond in the sum of Rs.25,000/- with one surety of the like amount to the

satisfaction of the concerned Superintendent Jail, petitioner shall be released on interim bail for a period of three weeks from the date of his release, subject to the conditions that:

- (i) petitioner shall not do anything which may prejudice the trial or the prosecution witnesses; and
- (ii) Petitioner shall not leave the jurisdiction of the National Capital Territory of Delhi; and
- (iii) Petitioner shall provide his as well as his surety's mobile number to the IO which shall be kept active during the said period; and
- (iv) petitioner shall surrender before the concerned Superintendent Jail on the expiry of the period of three weeks from the date of his release.

8. Petition is accordingly allowed in the above terms.

9. Copy of the Order be uploaded on the High Court website and be also forwarded to learned counsel for the Parties and the concerned Superintendent Jail through email.

JUNE 24, 2020

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SANJEEV SACHDEVA, J.