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

+ **BAIL APPLN. 1319/2020**

ARYAN BAJPAI

..... Petitioner

Through Mr.Puneet Jaiswal and Mr.Girish
Chander, Advs.

versus

STATE (NCT OF DELHI)

.... Respondent

Through Mr.Ravi Nayak, APP for the State
with SI Rajiv Yadav, PS Badarpur.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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03.07.2020

This hearing is conducted through Video-Conferencing.

1. This application is filed under Section 439 Cr.P.C. seeking interim bail for a period of 45 days in the case of FIR No. 79/2016 registered with PS Badarpur under Sections 302/396/120B IPC.
2. The petitioner states that his case is squarely covered under the Guidelines dated 18.05.2020 passed by the High Powered Committee under the Chairmanship of Hon'ble Ms. Justice Hima Kohli inasmuch as the petitioner has been in custody since 11.04.2016. It has also been pleaded that his conduct is satisfactory.
3. The respondent has filed a status report. As per the status report, on 28.02.2016 information was received by PS Badarpur about a firing incident in which two persons were reported 'brought dead' from the spot

with gunshot injuries. The premises in question was a rented office for Badarpur Toll Tax Staff. Cash also used to be kept in the office. The deceased were the cashier and guard of the toll tax staff. The accused persons were residing at the opposite house. Witnesses identified the petitioner and he got arrested from Lucknow as per the disclosure of co-accused.

4. The status report also points out that the petitioner has an elder brother who is doing a private job in Greater Noida. Further, his father is also there working as a farmer and is in good health. A plea raised in the application regarding the medical condition of the mother is refuted saying that there are relatives who can take care of the mother.

5. Nominal roll has also been filed which shows that the petitioner has been in custody since 12.04.2016. The conduct of the petitioner for the last one year is described as satisfactory. The petitioner has also been given interim bail from 06.12.2016 to 24.12.2016 and thereafter, from 12.05.2017 to 05.06.2017.

6. It is no doubt true that the petitioner is covered by the minutes of the High Powered Committee dated 18.05.2020. However, the High Powered Committee's minutes are recommendatory and do not give a right to a relief.

7. It is also true that the petitioner is accused of a heinous crime. However, I cannot help noticing that the petitioner had been released on interim bail on two earlier occasions and he had surrendered on the expiry of the term.

8. I also cannot help noticing an earlier order dated 09.05.2017 of learned ASJ where he had noted the request of the petitioner for interim bail on the ground that the petitioner was pursuing MBA 4th semester exam. The

court had directed release of the petitioner on interim bail from 10.05.2017 till 04.06.2017 in connection with his MBA. Learned counsel for the petitioner confirms that the petitioner has completed his MBA.

9. In the peculiar facts and circumstances of this case, keeping in view the past conduct of the petitioner, the petitioner is granted interim bail for a period of 30 days from the date of his release on furnishing a personal bond for a sum of Rs.15,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/Duty Magistrate, subject to following conditions:-

- (i) He will provide his mobile number to the SHO, P.S. Badarpur, which shall be kept in working condition at all times and shall not be changed;
- (ii) He is directed to mark his presence before the SHO, P.S. Badarpur and to the SHO of the closest police station to his residence in Sitapur on every Monday through his mobile phone;
- (iii) He will not leave the jurisdiction of the National Capital Territory of Delhi or Sitapur, U.P. without prior permission of the concerned court;
- (iv) He shall not directly or indirectly make any inducement, threat or promises to any witness during the investigation or trial or tamper with the evidence; and
- (v) On the expiry of the period of 30 days from the date of his release, he shall duly surrender before the concerned Jail Superintendent.

10. This order may not be taken as a precedent for the other co-accused as it is passed in the facts and circumstances of this case.

11. A copy of this order be sent by the Registry by e-mail to the concerned Jail Superintendent for information and necessary compliance.

12. With the above directions, the bail application is disposed of.

JAYANT NATH, J

JULY 03, 2020/rb