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

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BAIL APPLN. 1378/2020

RAJDEV

.....Petitioner

Through: Mr. Rakesh Kumar Giri, Advocate.

versus

THE STATE

(NCT OF DELHI)

....Respondent

Through: Mr. Ravi Nayak, APP for State.

**CORAM:**

**HON'BLE MR. JUSTICE NAJMI WAZIRI**

**ORDER**

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**30.06.2020**

1. The hearing was conducted through video conferencing.
2. The petitioner seeks interim bail in case FIR No. 258/2013 registered under sections 302/506/120-B/34 IPC at Police Station Nihal Vihar, Delhi for a period of 45 days' in terms of the administrative directions issued by the High Powered Committee on 18.05.2020 regarding Under Trial Prisoners (UTPs) facing trial. It had recommended *inter alia*, as under:-

*" The Members of the Committee discussed the report submitted by DG (Prisons) vide his letter dated 16.05.2020 and resolved that prisoners falling in following criteria may now be considered for grant of interim bail for 45 days in view of the circumstances in which we are in, preferably on 'Personal Bond':*

- i. *Under Trial Prisoners (UTPs) facing trial for a case under section 302 IPC and are in jail for more than two years with no involvement in any other case;*
- ii. ...."

3. According to the Status Report dated 29.06.2020 filed by the police, the petitioner has been in custody for more than 2 years, i.e. since 2013 for charges under section 302 IPC. The petitioner claims to be the resident of House No. 62, Subzi Mandi Road, Shivaji Market, Pitampura Village, Delhi where his two minor sons are currently residing. His wife is stated to have gone back to their native town in Bihar, just prior to the lockdown and is currently held back there because of the prevailing circumstances. Their residence in Bihar has been identified as Village/Gram Matiar Kalan, District-Sitamadhi, Bihar. However, at the aforesaid Delhi address, the petitioner's sister-in-law i.e. his wife's sister/present *paikar* (Mob. No. 9540960038) was found staying alongwith the petitioner's two minor children, who are aged 15 and 10 years. According to the *paikar*, the petitioner has been living at the said address in Delhi and would visit his family members in his village in Bihar from time to time.
4. Since the petitioner qualifies for grant of interim bail in terms of the aforesaid guidelines, he is granted interim bail for a period of 45 days' from the date of his release, on his furnishing a Personal Bond in the sum of Rs. 15,000/- with a surety of the like amount to the satisfaction of the Duty MM/Jail Superintendent concerned. The bail is granted subject to the following conditions:
  - i. The petitioner shall keep the SHO/IO concerned informed of his whereabouts on alternate days between 11 a.m. and 11.30 a.m. through the aforementioned mobile/telephone number of his sister-in-law through video call and if a video call is not

possible, he may send SMS apropos his whereabouts, as well as “drop-a-pin” on location app (eg. Google Maps) to indicate his location. However, should the petitioner acquire a new mobile/telephone number of his own, he will communicate with the SHO/IO through the said number. The SHO’s mobile/telephone number is stated to be 7065036129.

- ii. The petitioner shall not leave the territory of NCT of Delhi.
  - iii. The petitioner shall not contact complainant(s) in any manner and shall not do anything which could prejudice the case of the prosecution.
5. The application is disposed-off in terms of the above.
  6. Nothing stated in this order shall be deemed to be an adjudication on the merits of the case. The Registry is directed to send/email a copy of this order to the Jail Superintendent concerned for due compliance.
  7. The order be uploaded on the website forthwith. Copy of the order
  8. be also forwarded to the counsels through e-mail.

**NAJMI WAZIRI, J**

**JUNE 30, 2020**

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