$~6 ***via* Video-conferencing**

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

\+ BAIL APPL.1398/2020

DHARMENDER YADAV .....Petitioner/Applicant.
Through : Mr. Pramod K. Tiwary and Mr.Vinay Kumar, Advocates.

versus

STATE
(GOVT. OF NCT OF DELHI) ..... Respondent
Through : Ms. Neelam Sharma, APP for State along with IO/Inspector Inderjeet.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

O R D E R

% 26.06.2020

The applicant, who is an undertrial in case FIR No. 1728/2016 registered under sections 302/34 IPC and sections 27/54/59 of the Arms Act at PS : Mehrauli, seeks interim bail on the ground of his sister's marriage which is stated to be scheduled on 29.06.2020.

2. Notice in this application was issued on 24.06.2020 with a direction that certain title deeds, which the applicant said relate to the land he wishes to sell to raise funds for his sister's marriage, be verified ; and it was further directed that the updated nominal roll be requisitioned from the Jail Superintendent.

3. Status report dated 'nil' is stated to have been filed yesterday i.e. on 25.06.2020, which however is not on record.

4. Ms. Neelam Sharma, learned APP has forwarded a copy of the status report *via* email, which has been perused.

5. The nominal roll has not been received from jail.

6. Mr. Pamod K. Tiwary and Mr. Vinay Kumar, learned counsel appearing for the applicant submit that there are 03 cases pending against the applicant : case FIR No. 577/2016 registered at PS : Dwarka South, case FIR No. 869/2016 registered at PS : Uttam Nagar and the present case being FIR No. 1728/2016 registered at PS : Mehrauli.

7. Counsel point-out that in case FIR No. 577/2016, the applicant has already been granted interim bail *vidé* order dated 19.06.2020 by the learned Sessions Court on the same ground, namely his sister's marriage. In FIR No. 869/2016 also the applicant has been granted interim bail *vidé* order dated 15.06.2020 on the same ground. But in the present case i.e. FIR No. 1728/2016, the learned Sessions Court has rejected the interim bail application *vidé* order dated 20.06.2020.

8. Counsel submit that the factum of marriage of the applicant's sister has been verified by the Investigating Officers in the said two cases; and further, considering that the brother’s presence is required at certain ceremonies, the courts in the said cases have granted interim bail only until 08.07.2020, by which date all such ceremonies would be over.

9. The applicant has been in judicial custody since 03.01.2017; and his jail conduct is stated to be 'satisfactory'.

10. Although in the status report filed in this case, it is recorded that title documents pertaining to the applicant’s property in

Firozabad, U.P. which were to be verified, have been received only yesterday; and that therefore verification could not be completed, Ms. Sharma has received telephonic instructions from the officer who had gone for verification, that the applicant's name does appear in the title deeds though as one of the co-sharers and the exact extent of his share is not known.

11. In the opinion of this court, the exact status or share of the applicant's holding in relation to the land is not central to a decision of the present application. What weighs with the court is that the applicant has been in custody since 03.01.2017 and has had a satisfactory record in jail ; and that he has already been granted interim bail in two cases on the same ground viz. his sister's impending marriage, which fact has been verified. Counsel for the applicant have also stated that since the ceremonies relating to the sister's marriage will be over by 08.07.2020, bail may be granted till that date only.

12. In view of the aforesaid facts and circumstances, this court is persuaded to grant to the applicant *interim* bail till 08.07.2020, that is to say the applicant shall surrender to custody on 09.07.2020, subject to the following conditions :

a. The applicant shall furnish a personal bond in the sum of Rs.50,000/- with 01 surety of the like amount from a family member to the satisfaction of the Duty Magistrate;

b. The applicant shall not leave District Ferozabad, U.P. *except* to travel to and from Tihar Jail in Delhi ; and

shall *ordinarily* reside at the address mentioned in this application;

c. The applicant will report to the SHO, PS : Rasoolpur, District Firozabad on 01.07.2020 and on 06.07.2020 between 11:00 a.m. and 11:30 a.m. to mark his presence. He will however not be kept waiting longer than an hour for this purpose;

d. The applicant shall also make a video-call every alternate day between 11 am and 11:30 am to the Investigating Officer, and in case the Investigating Officer is unavailable, then to the SHO PS : Mehrauli, New Delhi and also 'drop-a-pin' on Google Maps, so that the IO/SHO can verify the applicant's presence and location. Counsel for the applicant has confirmed that the applicant has the wherewithal to comply with this condition;

e. The applicant shall furnish to the Investigating Officer/SHO a cell phone number on which the applicant may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;

f. If the applicant has a passport, he shall also surrender the same to the Jail Superintendent;

g. The applicant shall not contact nor visit nor offer any inducement, threat or promise to the first informant/ complainant or to any of the prosecution witnesses. The applicant shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending matter ;

h. Upon expiry of the period of interim bail, the applicant shall duly surrender before the concerned Jail Superintendent.

13. Nothing in this order shall be construed as an expression on the merits of the pending matter.

14. The application stands disposed of in the above terms.

15. Pending applications, if any, also stand disposed of.

16. A copy of the order be sent to the Jail Superintendent.

ANUP JAIRAM BHAMBHANI, J.

JUNE 26, 2020
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