

\$~1

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CRL.M.C. 1538/2020 and CRL.M.As. 8332/2020, 8352/2020**SYRA BANO**

..... Petitioner

Through: Mr. B. Badrinath (DHCLSC),
Advocate.

versus

STATE

..... Respondent

Through: Ms. Manjeet Arya, APP with SI
Preeti Mann, PS- Malviya Nagar.**CORAM:****JUSTICE PRATHIBA M. SINGH****ORDER**

%

29.06.2020

1. This hearing has been held through video conferencing.
2. The present petition has been filed seeking exemption from furnishing bail bond of Rs. 30,000/- (later modified to Rs. 15,000/-) along with one surety for equal amount.
3. The Petitioner is accused of offences under Section 376 IPC and Sections 10 and 11 of the POCSO Act. The order dated 20th May, 2020, passed by the Id. Additional Sessions Judge, records that the Complainant has no objection to her mother being granted bail. The relevant portion of the said order reads as under:-

“Complainant also present through video conferencing from shelter home and has been identified by IO Usha Rawat who is also present through video conferencing. Complainant has made her submissions stating that she has no objection in grant of bail to her mother who is the accused in the present case. Complainant/prosecutrix states that she has a younger brother and old grand parents who are required to be taken care by her mother i.e. present accused. She

further states that she wishes to continue her stay in the shelter home however considering the fact that her mother is in custody for almost more than 2 years, she has no objection if bail is granted to her mother considering the COVID condition and her aged grandparents and her younger brother.

Heard Considered.

Considering the above circumstances, accused Syra Bano is granted bail on furnishing personal bail bond in sum of Rs. 30,000/- with one surety of the like amount to the satisfaction of concerned Duty Magistrate/Jail Superintendent subject to following conditions:-

(1) Applicant/accused shall join investigation as and when required by the IO.

(2) Applicant shall not temper with evidence/witnesses or record of the case.

(3) Applicant shall not contact the complainant/prosecutrix or the witnesses or try to intimidate or harass the complainant in any manner.

Application is accordingly disposed off as allowed.

Copy of the order be sent to the Jal Superintendent for intimation and be also uploaded on the site of the District Court.

Copy of this order be also supplied to ld. Counsel for accused through e-mail.”

4. As per the above order, the Applicant was to furnish a personal bond of Rs.30,000/- with one surety of the like amount. Thereafter, vide order dated 5th June, 2020, the surety amount was modified to Rs.15,000/-. However, the present petition has been filed on the ground that the Petitioner cannot even afford to give a personal bond of Rs. 15,000/- or the surety of Rs.15,000/- because she is in an extremely bad financial condition and she does not have relatives who are willing to give surety. Considering that the Complainant is living in a shelter home and the accused is the mother of the

Complainant and considering her financial condition, this Court is inclined to accept the prayer of the Petitioner and waive the monetary condition of the personal bond. She shall, however, furnish a surety for a sum of Rs.2,000/-.

5. Accordingly, the Petitioner shall furnish a personal bond to the satisfaction of the Jail Superintendent, Central Jail-6, Tihar Jail, New Delhi and a surety of Rs. 2,000/- to the satisfaction of the Jail Superintendent, Central Jail-6, Tihar Jail, New Delhi.

6. The petition is disposed of in the above terms. All pending applications are also disposed of. Copy of this order be sent to the Jail Superintendent, Central Jail-6, Tihar Jail, New Delhi.

PRATHIBA M. SINGH, J.

JUNE 29, 2020
MR/A/T