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

+ **BAIL APPLN. 1442/2020**

HARISH KUMAR

..... Petitioner

Through: Mr Ravi Drall, Advocate.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr Amit Gupta, APP for State along
with SI Kamal Kishor, DIU.

Mr Ravinder, Advocate for the
complainant.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **02.07.2020**

[Hearing held through videoconferencing]

CRL.M.A. 8323/2020

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

BAIL APPLN. 1442/2020

3. The petitioner has filed the present petition seeking anticipatory bail in FIR No. 213/2020 under Sections 386/306/506/34 of the IPC registered with Police Station Neb Sarai, New Delhi.
4. The said FIR was registered on a report that one Dr Rajender Singh resident of Second Floor, Durga Vihar, Devli, New Delhi had committed suicide from the rooftop of the said address. He had hung himself in a room attached to the railing of the roof in the early hours of the morning at around 05:30 am. The status report indicates that during inquiries, a suicide note of

eight pages and a diary containing 39 pages were seized at the spot.

5. According to the status report, the inquiries revealed that the deceased was harassed and was subjected to extortion by the local MLA of the constituency and the petitioner. It was alleged that the deceased was engaged in the business of supplying water tankers to DJB. It is alleged that the petitioner in conspiracy with the local MLA had devised that the contracts for tankers awarded to the petitioner are terminated. It is alleged that this was to enable the petitioner to garner a larger share of business with the DJB. The deceased had not paid the amounts as demanded and the petitioner in conspiracy with the named MLA had devised a method for ousting the deceased from his business. Based on the above, further investigation are being conducted.

6. The petitioner had filed an application seeking anticipatory bail (BAIL APPLN. 1173/2020) which was taken up by this Court on 09.06.2020. After the learned counsel had advanced substantial arguments, he sought to withdraw the said petition. However, he stated that he, his minor child and his wife were under self-quarantine as his maternal aunt (*Bua*) had succumbed to COVID-19 and several of his other family members have tested positive for COVID-19.

7. He requested that the petitioner may not be arrested for two weeks, considering he had placed himself in self-quarantine. This Court accepted the said request at its face value and directed that the petitioner would not be arrested subject to him confining himself to his residence and not moving out except for procuring essential services.

8. A status report has now been filed which indicates that the petitioner misused the said order. It is stated that the CDR of his mobile number for the period 09.06.2020 to 22.06.2020 reveal that he was not present in his residence most of the times. He had also visited Ghaziabad and Gurugram during the said period. It is also alleged that during this period, he pressurized the key witnesses.

9. The learned counsel for the petitioner states that on 22.06.2020, he was admitted to Batra Hospital. He tested positive for COVID-19 on 23.06.2020 but the tests conducted subsequently gave a negative result.

10. In view of the above and considering that the allegations made against the petitioner are serious and undoubtedly require to be investigated; this Court finds that this is not an apposite case for grant of anticipatory bail as that would adversely affect the investigation in this case.

11. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

JULY 02, 2020
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