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

+ **BAIL APPLN. 1452/2020**

ROSHAN

..... Petitioner

Through: R. K. Kochar, Advocate.

versus

STATE

..... Respondent

Through: Mr Ravi Nayak, APP for State with
Insp. Jagdish, PS Gokalpuri.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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27.07.2020

[Hearing held through video conferencing]

1. The petitioner has filed the present petition, *inter alia*, praying that she be released on interim bail for a period of two months in connection with FIR No.321/2016 under Sections 363/302/201 of the IPC registered with PS Gokulpuri.
2. The allegation against the petitioner is that she had murdered her husband's niece (daughter of her husband's brother) aged three years. It is alleged that the motive for doing so was that she suspected that her husband was having a relationship with his sister-in-law (his brother's wife – mother of the deceased child).
3. The testimonies of the family members have been recorded. It is also stated that the petitioner's husband has since remarried.

4. It has been verified that if released, the petitioner would stay with her father and brother, who have also agreed to stand as sureties for her.

5. The petitioner is a young woman aged about twenty-six years and has been in custody for four years. She qualifies the criteria as set out by the High Powered Committee in the decision dated 18.05.2020.

6. It is reported that the petitioner's conduct in the jail has not been satisfactory. However, it is seen that the alleged jail offences are minor except the allegation that she has participated in jail riots on 28.03.2020. However, that punishment has not been appraised as yet.

7. In the aforesaid circumstances, this Court considers it apposite to allow the present petition and direct that the petitioner be released on interim bail till 31.08.2020 subject to her furnishing a Personal Bond in the sum of ₹10,000/- and one surety of an equivalent amount to the satisfaction of the Jail Superintendent/Duty Magistrate. This is also subject to the following further conditions:-

- a) the petitioner shall not leave the National Capital Territory of Delhi;
- b) the petitioner shall not contact either directly or indirectly any of the family members of the deceased (her husband and her husband's family);
- c) the petitioner shall telephonically report her whereabouts to the concerned police station (PS Gokulpuri) on Monday of each calendar week; and
- d) the petitioner shall ensure that she is available for all

proceedings before the trial court.

8. The petition is allowed in the aforesaid terms.
9. A copy of this order be communicated to the concerned Jail Superintendent.

VIBHU BAKHRU, J

JULY 27, 2020
MK