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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1537/2020 & CRL.M.A. 8642/2020**
RAHUL JAIN Petitioner

Through: Mr. Ashutosh Bharadwaj, Mr. Pulkit
Tyagi & Ms. Sanju Gupta, Advocates
(M-9911884567)

versus

STATE (GOVT OF NCT) Respondent
Through: Mr. Raghuvinder Verma, APP.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **08.09.2020**

1. The hearing has been held through video conferencing.
2. The present application has been filed by the Petitioner - Mr. Rahul Jain seeking grant of interim bail for two months. The Petitioner has been accused under Sections 302/120B/34 IPC for being involved in the death of Mr. Subodh Jain, who was the cousin of the Petitioner.
3. The case of the prosecution is that Mr. Rahul Jain and Ms. Preeti Jain, who was the wife of Mr. Subodh Jain, conspired to cause the death of Mr. Subodh Jain. Mr. Rahul Jain is alleged to have engaged one Mr. Vijay Kumar for causing the death of Mr. Subodh Jain. The case is one of a love triangle where the allegation of the prosecution is that Ms. Preeti Jain and Mr. Rahul Jain had a love affair and conspired to cause the death of Mr. Subodh Jain – the husband of Ms. Preeti Jain. For causing death, Mr. Rahul Jain is stated to have engaged the services of Mr. Vijay Kumar who is in judicial custody. The details are mentioned in the status report of the prosecution.

4. Interim bail is sought on the grounds of the medical condition of the Petitioner's mother, as also parity with Ms. Preeti Jain, who is a co-accused in this matter and has been granted interim bail on 24th June, 2020.

5. Heard. Insofar as the submission of parity with Ms. Preeti Jain is concerned, a perusal of the interim bail order dated 24th June, 2020 passed by a Id. Single Judge of this Court in Bail Appl.745/2020 shows that the Court was not inclined to grant regular bail in this matter. Even the interim bail was only given on humanitarian grounds as she has three minor children to take care of. On merits, the Court was not convinced to grant regular bail. The condition of Mr. Rahul Jain who is unmarried, is not the same as that of Ms. Preeti Jain. Thus, parity cannot be sought for the purposes of interim bail.

6. Insofar as the submission as regards the medical condition of the Petitioner's mother is concerned, the Petitioner is stated to have a sister who is living in Delhi and can take care of the mother. The medical record relates to the year 2017. In any event, considering the fact that the charges are yet to be framed and the case is at the initial stage and keeping in view the nature of this matter i.e., the allegation that the Petitioner had an affair with the Ms. Preeti Jain, wife of Mr. Subodh Jain and the allegations relating to the manner in which the death was caused, this Court is not inclined to grant interim bail to the Petitioner.

7. The petition is, accordingly, rejected. All pending applications are disposed of.

PRATHIBA M. SINGH, J

SEPTEMBER 8, 2020

Rahul / C