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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. NO. 1524/2020**

AJAY

..... Petitioner

Through: Ms.Dolly Sharma, Advocate

versus

STATE

..... Respondent

Through: Mr. Kewal Singh Ahuja, APP for
State

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

30.07.2020

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(hearing through Video Conferencing)

Vide the present application the applicant seeks the grant of interim bail for a period of 45 days in relation to FIR No. 59/2019 Police Station Burari registered under Sections 365/302/34 of the Indian Penal Code, 1860.

Notice thereof has been issued to the State in terms of the order dated 3.7.2020 and the status report dated 17.7.2020 was filed and pursuant to the proceedings dated 20.7.2020 the updated status report dated 28.7.2020 has been filed on behalf of the State and the medical reports dated 17.7.2020 and 28.7.2020 qua the medical condition of the applicant have been received from the Jail.

The applicant has submitted that the applicant had sought the grant of interim bail before the learned Trial Court as well and that vide order dated 23.6.2020 the learned Trial Court had declined the grant of interim bail observing to the effect that the applicant has not completed the mandatory

period of custody of two years in terms of the Minutes of the Meeting dated 18.5.2020 of the Hon'ble High Powered Committee of this Court and that the reasons that have been mentioned by the applicant for grant of bail in relation to the financial constraints of his family were not sufficient to grant him interim bail in as much as the applicant's family members have been maintaining themselves at their own since long even in the absence of the applicant. The order dated 23.6.2020 further directed the Superintendent Jail to provide adequate medical care to the applicant and to ensure that all safety guidelines were followed so that there was no infection in the Jail.

The submissions that were made on behalf of the applicant to the petition were to the effect that the interim bail had not been granted on the premise of the Minutes of the Hon'ble High Powered Committee dated 18.5.2020 and are on the aspect of the medical condition of the applicant as well as the condition of the mother of the applicant and also the financial constraints and the difficulty being experienced by the family members of the applicant.

The status reports that have been submitted by the State and the medical reports received from the Superintendent Jail, Delhi, indicate that though undoubtedly the applicant suffers from Diabetes Mellitus, hypertension, refractive error and Scabies as per the reports dated 17.7.2020 and 28.7.2020 from the Superintendent Jail, Delhi, nevertheless he is being provided all adequate medicines and that his condition is stable. The medical report dated 28.7.2020 indicates that even on 28.7.2020 the applicant was seen by the Jail visiting SR Medicine when he complained of pain abdomen, on & off giddiness, constipation and low backache for which he was thoroughly examined by the jail visiting doctor. It is apparent that as

regards the medical condition of the applicant there is no ground for grant of the prayer made by the applicant in as much he is well taken care of in the Jail.

As regards the medical condition of the mother of the applicant though she has been diagnosed to be a case of right renal colic and referred to EMO(M) for diabetes and hypertension, the status report dated 28.7.2020 under the signatures Inspector Raman Kumar Singh SHO PS Burari stated that the doctor concerned had informed that the mother of the applicant does not suffer from a serious diseases. It is also indicated through the said status report that there is a younger brother of the applicant aged 40 years residing in the same locality and he can lookafter his mother.

The said contents on behalf of the applicant qua the mother of the applicant also do not suffice the grant for interim bail to the applicant.

However, it is essential to observe that the status report dated 28.7.2020 submitted by the State fairly states to the effect that the family of the applicant comprises of four family members, i.e., Puran Chand (Father) aged 64 years, Smt. Sulochna (Mother) aged 60 years, Priya (Wife) aged 36 years and a minor son Aditya, Aged 3 years and that all the family members were examined and they stated that the applicant was the only earning hand in their family and they have been living hand to mouth.

Though undoubtedly the learned Trial Court has vide order dated 23.6.2020 observed to the effect that very incarceration of an accused not only curtails his personal liberty but also certain other rights like right to earn livelihood and right to maintain and take care of one's family, taking into account the factum that the status report submitted by the State brings forth the very precarious financial conditions of the applicant's family, in the

interest of justice, for maintenance of social ties and some arrangement for the wellbeing of his family, it is considered appropriate that the applicant is allowed to be released on interim bail for a period of 45 days from the date of his release on his furnishing a personal bond in the sum of Rs.30,000/- with two sureties of the like amount to the satisfaction of the learned Trial Court, with directions that:

he shall make no contact with the complainant and the prosecution witnesses;

he shall commit no offence whatsoever;

he shall drop a pin on the google map to keep his mobile location on at all times;

he shall telephonically mark his presence to the SHO, PS Burari on every 3rd day during the period that he is on interim bail;

he shall surrender on the expiry of the 45th day of his release.

The application is disposed of.

ANU MALHOTRA, J

JULY 30, 2020/sv