

via Video-conferencing

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPL. 1560/2020

PRINCE DIXIT

.....Petitioner/Applicant

Through: Mr. Mukesh Kumar Singh, Advocate.

versus

THE STATE (N.C.T. OF DELHI)

..... Respondent

Through: Ms. Neelam Sharma, APP for the State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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14.09.2020

Crl. M.A. No.12645/2020 (for early hearing)

The applicant seeks advancement of date of hearing/immediate hearing of his bail application, being Bail Appl. No.1560/2020, which is otherwise list on 18.09.2020. The applicant also states that he has furnished to the Investigating Officer the address of a local surety, one Mr. Prabhakar Sharma, for verification. The application further recites that the applicant's mother is in a serious condition in the ICCU of a Lucknow hospital.

2. For the reasons stated in the application, the same is allowed.
3. The application stands disposed of.
4. Bail Appl. No.1560/2020 is taken-up for hearing today.

Bail Appl. No.1560/2020

5. Ms. Neelam Sharma, learned APP appearing for the State submits that the documents pertaining to the local surety Mr. Prabhakar Sharma were verified by the I.O. However, at the address mentioned in the documents, Mr. Prabhakar Sharma's mother was present, who stated that Mr. Prabhakar Sharma shifted from Delhi to Lucknow 08 years ago; and that she is not aware of his Lucknow address. Accordingly, Ms. Sharma says that the address of the local surety does not stand verified. Ms. Sharma further states that though, due to paucity of time, status report has not been filed, but she has with her the statements of Mr. Prabhakar Sharma's mother and brother to that effect.

6. On the other hand, Mr. Mukesh Kumar Singh, learned counsel for the applicant submits that the local surety is very much available in Delhi and the I.O.'s report is wrong. Mr. Singh further submits that apart from the said Mr. Prabhakar Sharma, the applicant's sister Ms. Pragati Dixit will also stand surety.

7. Mr. Singh informs the court that unfortunately, after the above early hearing application was filed on 08.08.2020, the applicant's mother passed-away on 12.09.2020.

8. At Mr. Mukesh Singh's request, the matter was passed-over for him to get the applicant's sister Ms. Pragati Dixit and Mr. Prabhakar Sharma to join the video-conference hearing today.

9. When the matter is taken-up after pass-over, Mr. Singh submits that the within named Mr. Prabhakar Sharma is not available; and instead one Mr. Gopal Mandal s/o Mr. Bhola Mandal r/o House

No.24, 3rd Floor, Village Pitampura, North-West District, Delhi is present in his office; is willing to stand surety; and has joined the video-conference hearing.

10. The court has interacted with the said Mr. Gopal Mandal, who says he knows the applicant since they used to work in the same place; that he is a resident of Delhi; and that he is willing to stand surety for the applicant. Ms. Pragati Dixit, who is stated to be the applicant's sister, has also joined the video-conference hearing from Lucknow and confirms that she would stand surety for the applicant.

11. In the circumstances, considering that the applicant did not avail custody bail granted earlier *vidé* order dated 27.08.2020 in connected B.A. No. 1561/20; and was unable to produce any local surety up until now, this court is inclined to grant to the applicant *interim bail* for a period of 30 days from the date of his release, subject to the following conditions:

- (a) The applicant shall furnish a personal bond in the sum of Rs.25,000/- with 02 sureties in the like amount, one from Mr. Gopal Mandal in Delhi and the other from Ms. Pragati Dixit in Lucknow as stated above, to the satisfaction of the Jail Superintendent, Rohini Jail. The surety bond to be furnished by Ms. Pragati Dixit may be presented to the SHO, PS: Gomti Nagar, Lucknow and be verified by the Jail Superintendent, Rohini Jail through the SHO in Lucknow;
- (b) The applicant shall not leave Lucknow, except to travel to and from prison in Delhi, without permission of the court and shall *ordinarily* reside at the address mentioned in this application;
- (c) The applicant shall present himself before the SHO, PS: Gomti Nagar, Lucknow every Friday between 11 a.m. and 11:30 a.m. to mark his presence. However, he will not be kept waiting for

- longer than one hour for this purpose;
- (d) The applicant shall furnish to the Investigating Officer/SHO, PS: Paschim Vihar a cell phone number on which the applicant may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
 - (e) If the applicant has a passport, he shall also surrender the same to the Jail Superintendent;
 - (f) The applicant shall not contact, nor visit, nor offer any inducement, threat or promise to the first informant/complainant or to any of the prosecution witnesses. The applicant shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending matter ;
 - (g) Upon expiry of the period of interim bail, the applicant shall surrender before the concerned Jail Superintendent.
12. Nothing in this order shall be construed as an expression on the merits of the pending matter.
13. The bail application stands disposed of.
14. Other pending applications, if any, also stand disposed of.
15. A copy of this order be sent to the concerned Jail Superintendent, Rohini Jail, New Delhi.

ANUP JAIRAM BHAMBHANI, J.

SEPTEMBER 14, 2020

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