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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPL. 1636/2020**

YOGESH @ DUDHIYA Applicant

Through: Mr. Siddharth Pandit, Adv.

versus

STATE (NCT OF DELHI) Respondent

Through: Mr. Tarang Srivastava, APP for the
State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **24.07.2020**

The applicant, who is an undertrial in case FIR No. 493/2015 registered under sections 364/302/201/342/506/323/34 IPC at PS : Sarita Vihar, Delhi, seeks interim bail on the ground that his wife requires surgery.

2. Notice in this matter was issued on 09.07.2020.
3. Status report dated 18.07.2020 has been filed.
4. Nominal roll dated 22.07.2020 has also been received from the Jail Superintendent.
5. The status report confirms that the prescriptions and documents submitted by the applicant from Siddhi Vinayak Aspathal, Ballabhgarh, Faridabad, in respect of his wife's medical problems and the requirement for surgery have been verified ; and further that, as per the statement of the concerned doctor, the wife was advised admission to the hospital on 16.05.2020 and subsequently on 01.07.2020.

6. Mr. Siddharth Pandit, learned counsel for the applicant submits that the applicant has been in judicial custody for more than 05 years and that his jail conduct has been 'satisfactory', except for one prison punishment dated 10.08.2018.
7. As per medical records, the applicant's wife requires further investigation and possible surgery for ovarian cysts.
8. Mr. Tarang Srivastava, learned APP for the State opposes the grant of bail only on the ground, that as recorded in the status report, the applicant's parents and 03 of his brothers are there in the family to look after the applicant's wife.
9. Be that as it may, upon a conspectus of the facts and circumstances, including the nature of the medical problem and the possible surgery, this court is persuaded to grant to the applicant *interim bail* for a period of 45 (forty-five) days, subject to the following conditions:
 - a) The applicant shall furnish a personal bond in the sum of Rs.25,000/- with 01 surety in the like amount from a family member, to the satisfaction of the Jail Superintendent ;
 - b) The applicant shall not leave the State of Haryana, except to travel from and to the prison in Delhi, without permission of the court and shall *ordinarily* reside in his place of residence as per prison records;
 - c) The applicant shall furnish to the Investigating Officer/SHO PS: Sarita 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 ;
 - d) The applicant shall present himself before the Investigating Officer/SHO on every Wednesday between 11 a.m. to 11:30 a.m. to mark his presence. However the applicant shall not be kept

- waiting for more than an hour at the police station for this purpose;
- e) If the applicant has a passport, he shall also surrender it 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 matter; and
 - g) Upon expiry of the period of interim bail, the applicant shall duly surrender before the concerned Jail Superintendent.
10. Nothing in this order shall be construed as an expression on the merits of the pending matter.
11. The application stands disposed of.
12. Other pending applications, if any, also stand disposed of.
13. A copy of this order be sent to the Jail Superintendent.

ANUP JAIRAM BHAMBHANI, J.

JULY 24, 2020/uj