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

+ Bail Appln. No. 1642 /2020

KUSHANK @ VISHAL NAIDU

..... Petitioner

Through: Mr. Faraz Maqbool and Mr.Bhanu
Gulati, Advocates

versus

STATE

..... Respondent

Through: Mr.Ashok Kumar Garg, APP for
State .

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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10.07.2020

(hearing through Video Conferencing)

The applicant vide the present application seeks the grant of interim bail in relation to FIR No. 55/19 Police Station Inderpuri registered under Sections 302/307/34 of the Indian Penal Code, 1860 and Section 25/27 of the Arms Act, 1959, submitting to the effect that despite orders dated 15.6.2020 of this Court in Bail Appln. No. 1232/2020 vide which the applicant had been granted interim bail for a period of 14 days in as much as it was informed by the petitioner that his wife needed to be operated upon for removal of ovarian cyst which fact had also been verified by the State vouching the correctness of the surgery required and also consent and presence of the husband required for the surgery. It has also been categorically observed vide order dated 15.6.2020 placed as Annexure-A-3 that the prescription of the doctor indicated that two units of blood was also required, it has been submitted on behalf of the petitioner that despite the

said order, the petitioner could not avail of the grant of interim bail in getting the surgery of his wife performed in as much as he was released from the jail only on 24.6.2020 in view of his incarceration in relation to another FIR No.240/17, Police Station Inderpuri. It has been submitted on behalf of the applicant that the petitioner has taken his wife to the concerned hospital for surgery on that very day but the surgery could not be performed on account of certain operational limitations at the said hospital as well as physical condition of the wife of the applicant at that time and that the surgery of the wife of the petitioner is now scheduled for 11.7.2020.

Placed on record is a document dated 24.6.2020 annexed as Annexure A-4 of Dr.K. Mehta which has indicated to the effect that the applicant's wife is still having recurrent abdominal pain and that she requires surgery and was advised the date now 11.7.2020 for the surgery.

It has been submitted on behalf of the applicant that the applicant has consequently surrendered on 8.7.2020 and submits he may be granted four days interim bail for getting the surgery done.

Though the prayer is opposed on behalf of the State, taking into account the factum that the aspect of the requirement of the surgery of the wife of the petitioner and the presence of the attendant having been already verified as observed vide order dated 6.7.2020, the applicant in the circumstances, in the interest of justice, is allowed to be released on bail for a period of 10 days on filing a personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the learned Trial Court with the conditions that he shall surrender before the Superintendent Jail on 10th day of his release before the Superintendent Jail, and shall not leave the city of Delhi, shall keep his mobile phone on and shall drop a pin on the

google map to the Investigating Officer/ SHO, PS Inderpuri to ensure that he is available and is present at all times and shall make no contact with the complainant and the witnesses of the prosecution.

The application is disposed of.

ANU MALHOTRA, J

JULY 10, 2020/sv