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

+ BAIL APPLN. 1623/2020

RAKESH @ RAKKA

..... Petitioner

Through Mr. Shashank Vachher, Advocate.

versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Through Ms. Kusum Dhalla, APP

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

27.07.2020

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Hearing has been conducted through Video Conferencing.

The present Application has been filed seeking Interim Bail in FIR No. 212/2011 under Sections 302/120B/34 IPC and Sections 25/27/54/59 Arms Act, Police Station Kanjhawala.

Interim Bail is sought on the ground that the wife of the Applicant, Smt. Nagma is living alone in the rented premises and is suffering from severe Pilonidal Sinus and Disc Protrusion for which she has been recommended surgery at the earliest. It is stated that this was an inter-caste marriage. The wife of the Applicant is an adopted child and lives alone as the Applicant has been disowned by his family vide Public Notice dated 17.06.2006. There is nobody to take care of the wife of the Applicant and therefore, Applicant be released so that he can attend to her during and post the surgery.

Status Report has been filed by the State. Medical documents placed on record have been found to be genuine after verification. The surgery is scheduled for 28.07.2020. Status Report indicates that when the IO visited the rented house of the wife of the Applicant, i.e. B-16, Mata Vaishno Devi Colony, Tahirpur, Jhilmil Colony, East Delhi-110095, she was not found at the given address. Statement of the neighbour was recorded who is also a tenant and as per the statement, Smt. Nagma had gone to meet her relatives in Uttar Pradesh. Second Status Report has been filed today wherein it is stated that when the IO visited the rented premises on 26.07.2020, the wife of the Applicant was again not found at the premises.

Ms. Dhalla, Learned Additional Public Prosecutor strongly opposes the Bail Application. She submits that Applicant is a member of the notorious Neetu Dabodia Gang. He does not have any permanent residential address and has been disowned by his family. She further submits that although the surgery is fixed for 28.07.2020 but the absence of the wife of the Applicant raises serious doubts about her wanting to undergo the surgery. She further submits that there are sufficient family members to look after his wife. Her mother and her brother are residing at Suleman Nagar, Delhi.

I have heard Learned Counsel for the Applicant and Learned Additional Public Prosecutor.

Both the Status Reports indicate that the wife of the Applicant is not available at the tenanted premises for the last 3-4 days. The statement of the neighbour reveals that she has gone to meet her relatives in Uttar Pradesh. This indicates that the surgery is an elective surgery and there are relatives in the family to take care of the wife of the Applicant.

In view of the Status Reports, this Court does not deem it fit to enlarge the Applicant on Interim Bail.

Application is accordingly dismissed.

JYOTI SINGH, J

JULY 27, 2020
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