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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ BAIL APPLN.1661/2020

SURAJ

..... Petitioner

Through: Mr. Lovkesh Sawhney & Mr. D.K.
Pandey Advocates

Versus

THE STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through: Ms. Radhika Kolluru, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

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27.07.2020

1. The present bail application has been filed on behalf of the petitioner seeking interim bail in FIR No. 223/2019 registered under Sections 364/365/368/302/201/34 IPC at Police Station Narela, Delhi on the ground that the petitioner's wife has met with an accident and has suffered a head injury.
2. Learned counsel for the petitioner submits that although petitioner's wife has been advised surgery however, she is unable to undergo surgery at any government hospital as no surgery is being performed due to COVID-19 pandemic and she is living alone with her mother-in-law and two minor children. In this regard, he has referred to the prescription slip dated 08.06.2020 of *Dr. Baba Saheb Ambedkar Hospital, Rohini*. He also referred to the MLC No. 2171/20 dated 30.05.2020 of *Satyawadi Raja Harish Chandra Hospital, Narela, Delhi* with respect to petitioner's wife.

3. Learned counsel for the petitioner also submits that since no surgeries are being performed in the government hospitals, the petitioner's wife was examined at *Shri Siddhi Vinayak (Multi Speciality Hospital)* on 20th & 23rd July, 2020, where she has been advised to undergo MRI & CT scan. He submits that in the absence of a male member in the family and on account of financial constraints, the petitioner's wife is unable to take further necessary steps required for her surgery.

4. A Status Report has been placed on record. Learned APP for the State submits that the medical documents of the petitioner's wife have been verified and were found to be genuine and correct. She submits that as per the Status Report, the petitioner's wife lives with her mother-in-law, son *Krish* (aged 2 years) and daughter *Tanshi* (aged 9 months) and her father-in-law had left the house about 15 years ago and has not returned ever since. She, however, submits that the petitioner is involved in two other cases i.e. FIR No. 399/2010 registered under Sections 25/54/59 Arms Act & FIR No. 272/2015 registered under Sections 323/452/506/34 IPC both registered at Police Station Alipur.

5. At this stage, learned counsel for the petitioner submits that out of these two cases, the petitioner has been acquitted in one case i.e. FIR No. 399/2010.

6. Keeping in view the fact that the medical documents of the petitioner's wife have been verified and there is no male member in the petitioner's family, the petitioner is admitted to interim bail for a period of 5 weeks from the date of his release, on his furnishing a personal bond in the sum of 50,000/- with one surety of the like amount to the satisfaction of the

concerned Jail Superintendent/Duty MM and subject to the following conditions :-

- (i) The petitioner shall not get in touch with the prosecution witnesses directly or indirectly and shall not make any effort to tamper with the evidence.
- (ii) The petitioner shall not leave the jurisdiction of NCT of Delhi.
- (iii) The petitioner shall remain available on his mobile number i.e. 9310220200, which he undertakes to keep operational during the period of his interim bail.
- (iv) The petitioner shall further remain in touch telephonically with SHO Vinay Kumar, P.S. Narela on mobile number: 7065036323 on every Monday and Friday during the period of his interim bail.
- (v) The petitioner shall surrender at the expiry of his interim bail before the concerned Jail Superintendent.

7. With the above directions, the bail application is disposed of.

8. A copy of this order be communicated to the concerned Jail Superintendent electronically.

MANOJ KUMAR OHRI, J

JULY 27, 2020

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