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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPL. 1657/2020**

VIKAS @ VIKKYApplicant
Through: Mr. Anuj Chauhan, Adv.

versus

STATE OF NCT Respondent
Through: Ms. Neelam Sharma, APP for the
State.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER
% **06.08.2020**

The applicant, who is an undertrial in case FIR No. 497/2017 registered under sections 302/201 IPC at PS: Sangam Vihar, seeks interim bail on the basis of the recommendation contained in Minutes of Meeting dated 18.05.2020 of the High Powered Committee of the Delhi High Court constituted in pursuance of orders made by the Supreme Court in *suo motu* proceedings in W.P. (C) 01/2020.

2. Mr. Anuj Chauhan, learned counsel for the applicant submits that the applicant falls squarely within the criteria recommended by the High Powered Committee, since he is an undertrial prisoner facing trial under section 302 IPC, who has been in prison for more than 02 years, with no involvement in any other case.
3. Status report dated 05.08.2020 is stated to have been filed, but the same is not on record. A copy has been forwarded by Ms. Neelam Sharma, learned APP for the State *via* e-mail.

4. Let the status report be brought on record.
5. Ms. Sharma has also forwarded nominal roll dated 04.08.2020 along with medical status report dated 03.08.2020.
6. Let nominal roll and medical status report be also placed on record.
7. Relying upon the status report, Ms. Sharma opposes grant of interim bail on the ground that the applicant's jail conduct has not been satisfactory, apart from the fact that the charge itself is serious.
8. The nominal roll shows that the applicant has been in judicial custody as an undertrial for more than 2.5 years ; that he was awarded 03 punishments in all, including 01 in the last one year ; but that he has no previous or other involvement in any criminal case.
9. The medical status report does not disclose any significant ailment.
10. Upon a conspectus of the foregoing facts, this court does not see any reason why the applicant should not get the benefit of the recommendations of the High Powered Committee cited above.
11. Accordingly, this court is persuaded to grant to the applicant *interim bail* for a period of 45 (forty-five) 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. 50,000/- 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 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 I.O./concerned SHO 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 I.O./concerned SHO every Wednesday between 11:00 am to 11.30 am to mark his appearance. However the applicant shall not be kept waiting for more than an hour for this purpose;
 - e. 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
 - f. Upon expiry of the period of interim bail, the applicant shall duly 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 application stands disposed of.
 - 14. Other pending applications, if any, also stand disposed of.
 - 15. A copy of this order be sent to the Jail Superintendent.

ANUP JAIRAM BHAMBHANI, J.

AUGUST 06, 2020/uj