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

+ **BAIL APPLN. 1649/2020**

KAVIRAJ

..... Petitioner

Through Mr Anil Basoya, Advocate

versus

NCT OF DELHI

..... Respondent

Through Mr Ravi Nayak, APP for State
with SI Ajeet, P.S. Sangar Vihar.

Mr Raj Pal Kasana and Ms Palak Munjal,
Advocates

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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24.07.2020

[Hearing held through videoconferencing]

1. The petitioner has filed the present petition, *inter alia*, praying that he be released on interim bail for a period of forty-five days in FIR No. 228/2018 under Sections 302/307/34 of the IPC and Sections 25/27/54 Arms Act, 1959 registered with PS Sangam Vihar.
2. The learned counsel appearing for the petitioner points out that the co-accused (Kannu @ Inderjeet) has already been granted interim bail pursuant to the decision of the High Powered Committee by an order dated 19.06.2020 passed by the learned ASJ. In addition, three other accused have been granted interim bail. Accused Rampat has been granted interim bail for medical reasons and accused Chetan Singh and Gagan have been granted

interim bail on account of their ailing mother. One of the accused, namely, Atwa who had fired the weapon, was also granted interim bail but he is since absconding.

3. The learned counsel appearing for the petitioner also points out that FIR mentions that the petitioner appeared at the spot after one of the accused had already fired the shot at the victim (since deceased). He submits that the petitioner's name has been given only for the reason that he is a family member of the accused.

4. One of the accused has been granted interim bail keeping in view the criteria laid down by the High Powered Committee. The allegation against the petitioner is that he came to the spot after one of the co-accused had discharged the weapon and had beaten the complainant and his family members. According to the complainant, the petitioner had not accompanied the other co-accused to the complainant's house.

5. Considering the above, this Court considers it apposite to grant interim bail to the petitioner till 31.08.2020. The petitioner shall be released on his furnishing a personal bond in the sum of ₹30,000/- with one surety of the equivalent amount to the satisfaction of the concerned duty M.M /Jail Superintendent.

6. This is also subject to the following further conditions:-

- (a) that the applicant shall provide a contact number and ensure that he is reachable at all times;
- (b) that the petitioner shall not contact either directly or indirectly any of the family members of the victim or the complainant;
- (c) that the petitioner shall mark his presence at the concerned police station on the Monday of each

calendar week;

(d) that the petitioner shall not leave the National Capital Territory of Delhi;

5. The petition is allowed in the aforesaid terms.

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

VIBHU BAKHRU, J

JULY 24, 2020

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