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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 1662/2020

MOHAMMAD ARIF

..... Petitioner

Through : Ms.Dolly Sharma, Advocate.

versus

STATE

..... Respondent

Through : Ms.Rajni Gupta, APP for the State.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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16.07.2020

1. The hearing has been conducted through Video Conferencing.
2. This application is moved for grant of interim bail on the ground the wife of applicant is suffering from some medical problem and was advised surgery on 13.07.2020.
3. It is not out of place to mention earlier this applicant had moved interim bail applications (Bail Application No.365/2020) firstly on the ground he intends to look after his family; and thereafter on the ground of illness of his mother. Both the applications were dismissed vide orders dated 13.05.2020 and 28.05.2020.
4. Now, this application is moved on the ground his wife is ill and surgery is required. The documents have been verified by the State. It was confirmed the wife of the applicant was never admitted in hospital and she is suffering abdomen pain viz appendicitis. During verification of medical certificate filed by the petitioner herein, Dr.Gopal Bhagat of Bhagat Clinic and Hospital, Mehruali, New Delhi, gave statement in writing that at present she may be treated by medicines and no surgery is essential. Even otherwise, it is stated there is no facility for surgery at Bhagat Hospital; though Dr.Gopal

Bhagat conducts surgery at other hospitals. The written statement of Dr.Gopal Bhagat is annexed with the status report.

5. The applicant, also moved an interim bail application before the learned Sessions Court on the ground of surgery of his wife for appendicitis and the medical certificate of Batra Hospital dated 16.06.2020 was annexed. But during enquiry from Batra Hospital again the concerned Doctor gave in writing on 25.06.2020 that surgery is not essential in the current perspective.

6. In my earlier order dated 25.06.2020, I have noted the applicant is one of the main accused who hatched conspiracy to murder as he himself appointed the contract killer namely Ankit and Ashu for an amount of Rs.5.00 lac; conducted *recce* of the place of occurrence; PW Anjali had stated she had heard the applicant hatching the conspiracy with accused Shalu on 12.04.2019; the applicant had arranged and provided the weapon of offence to the contract killers; and there being complaints against him of dated 18.08.2018 and 30.03.2019 at police station Neb Sarai regarding the suspicion that he may kill the deceased.

7. The CDR of the mobile phone applicant and main accused Shalu show they were in constant touch with each other. The applicant did not join investigation and the proceedings under Section 82 Cr PC were initiated against him. He is also involved in other cases too.

8. It is also pertinent to mention one of the co-accused Shalu who was since released on interim bail by the learned Sessions Court at Tis Hazari Courts, Delhi has jumped bail and NBWs have been issued

against her.

9. Considering the facts there is ample evidence against the applicant, and allegedly despite the complaints against him in the year 2018 and March 2019, yet again he conspired to kill the deceased, and also considering status report, I am not inclined to release of this applicant on interim bail at this stage. Hence, the interim bail application is dismissed. No order as to cost.

YOGESH KHANNA, J.

JULY 16, 2020

DU/M