

\$~10

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

+ **BAIL APPLN. 1846/2020**

VIKAS DASS

..... Applicant

Through: Mr.Onkar Roy, Advocate.

Versus

STATE OF NCT

.....Respondent

Through: Mr.Kewal Singh Ahuja, APP for State.

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

%

11.08.2020

(hearing through Video Conferencing)

The applicant vide the present application seeks the grant of interim bail in terms of the minutes of the meeting of the Hon'ble High Powered Committee of this Court dated 18.05.2020 in relation to FIR No.37/2018, PS Dwarka South under Sections 302/120B of the Indian Penal Code, 1860.

The nominal roll dated 06.08.2020 qua the applicant has been received from the Superintendent Jail, Tihar, Delhi, as per which the applicant has been incarcerated for 2 years, 5 months and 15 days as on 06.08.2020, though the conduct of the applicant for the last one year is shown to be satisfactory, the overall conduct of the applicant as reported by the jail authorities is unsatisfactory with it having been reported that on 20.05.2018, the applicant had indulged in a physical scuffle with

another under trial prisoner and after hearing the hue and cry, the duty staff had rushed to pacify the matter.

The status report submitted by the State under the signatures of the SHO, PS Dwarka South states *inter alia* to the effect that the FSL report that has been received in the matter indicates the presence of blood of the deceased on the clothes worn by the applicant. *Inter alia* it is submitted on behalf of the State that the present case is one of the rarest cases where a person is burnt alive by the accused persons of the case.

On behalf of the applicant, it has been submitted that vide order dated 10.06.2020 of the learned Trial Court, the bail application of the applicant seeking the grant of interim bail has been rejected on the grounds that the conduct of the applicant in the jail was bad and it has been submitted on behalf of the applicant that the incident alleged against the applicant at the jail is of the date 20.05.2018 and a period of two years therefrom has already elapsed and that there has been no commission of any offence whatsoever accorded to the applicant for the last two years.

Be that as it may, it is essential to observe that the minutes dated 18.05.2020 of the Hon'ble High Powered Committee of this Court provide for release of under trial prisoners in the exercise of discretionary powers of the Court in cases where it is considered appropriate where there is satisfactory jail conduct and no other previous case against an under trial prisoner.

As apparent, it is not mandated vide the minutes dated 18.05.2020 of the Hon'ble High Powered Committee of this Court that in all cases where persons accused to have committed offences punishable under Section 302 of the Indian Penal Code, 1860 and incarcerated for a period of more than two years, are necessarily to be released on bail.

In the circumstances of the instant case with the allegations against the applicant, with the FSL report against the applicant and the overall

unsatisfactory jail conduct of the applicant, there is no ground for the grant of interim bail to the applicant.

The application is declined.

Nothing stated hereinabove shall however amount to any expression on the merits or demerits of the trial.

ANU MALHOTRA, J

AUGUST 11, 2020

'neha chopra'