

via Video-conferencing

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

+ BAIL APPL. 1927/2020

RAJ GUPTA

..... Petitioner

Through: Mr. Sudhanshu Pandey, Adv.

versus

THE STATE THROUGH STANDING COUNSEL DELHI POLICE

..... Respondent

Through: Ms. Neelam Sharma, APP for the
State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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13.08.2020

BAIL APPL. 1927/2020

Mr. Sudhanshu Pandey, learned counsel for the applicant does not press this bail application at this stage.

Accordingly, the bail application is disposed of as not pressed.

CRL.M.(B) No. 7776/2020 (for interim bail)

The applicant, who is an undertrial in case FIR No. 210/2020 registered under sections 394/397/452/34 IPC and section 27 of the Arms Act 1959 at PS : KN Katju Marg, seeks interim bail on the ground that his wife is expecting twins and is at an advanced stage of pregnancy; and that there are chances of complications, for which reason the applicant wishes to be beside his wife at this time. As per the medical prescriptions issued by Kasturba Hospital, Delhi, the expected date of delivery is 05.09.2020.

2. Mr. Sudhanshu Pandey also submits that there is no other appropriate person to look after his wife at this time and it is therefore necessary for him to get interim bail at least for some time.

3. Notice in this application was issued on 31.07.2020.
4. Status report dated 12.08.2020 has been forwarded by e-mail. Let the status report be placed on record.
5. Nominal roll dated 10.08.2020 has also been forwarded by e-mail. Let nominal roll be also placed on record.
6. After giving the details of the offence alleged, the status report records that the medical documents relating to the applicant's wife have been verified from the hospital and have been found to be genuine; and on that account, the State does not oppose grant of interim bail.
7. The nominal roll shows that the applicant has been in custody only since 15.07.2020, though his jail conduct is 'satisfactory'. Nominal roll does not disclose any other criminal involvement.
8. The SCRB report which was filed in the bail proceedings before the learned Sessions Court shows the applicant's involvement in one other case arising from FIR No. 105/2010 registered under sections 448/380/34 IPC at PS : Bhalswa Dairy. On being queried, Mr. Pandey submits that in that matter the applicant is already on bail since July 2010.
9. Without delving into the merits of the matter otherwise, and *only* by reason of the applicant's wife's pregnancy, which is evidently at an advanced stage and has been verified by the State, 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. 30,000/- 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 Investigating Officer/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./SHO PS : KN Katju Marg every Wednesday between 11:00 am to 11:30 am to mark his appearance. However the applicant shall not be kept waiting for longer 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.
10. Nothing in this order shall be construed as an expression on the merits of the pending matter.
11. The application stands disposed of.
12. Other pending applications, if any, also stand disposed of.

13. A copy of the order be sent to the Jail Superintendent.

ANUP JAIRAM BHAMBHANI, J.

AUGUST 13, 2020/uj