

via Video-conferencing

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

+ **BAIL APPL. 1989/2020**

KIRAN KUMAR @ LALLAPetitioner/Applicant.
Through : Mr. Vijay Shankar Tiwari,
Advocate.

versus

THE STATE (NCT OF DELHI) Respondent
Through : Mr. Raghuvinder Verma, APP
for the State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **10.09.2020**

BAIL APPL. No. 1989/2020

The applicant, who is an undertrial in case FIR No. 344/2016 dated 14.09.2016 registered under sections 302/201/120B/34 IPC at P.S.: Darya Ganj, Delhi and has been in judicial custody since 19.09.2016, seeks interim bail, placing reliance on the recommendations contained in Minutes of Meeting dated 18.05.2018 of the High Powered Committee of the Delhi High Court, as also on the ground of father's illness.

2. Notice in this application was issued on 30.07.2020.
3. Status report dated 16.08.2020 has been filed.

4. Nominal roll dated 07.09.2020 has also been received from the Jail Superintendent.
5. Mr. Vijay Shankar Tiwari, learned counsel for the applicant states that, other things apart, the applicant's case is squarely covered by the recommendations contained in Item No. 6 of Minutes of Meeting dated 18.05.2020 of the High Powered Committee of the Delhi High Court, pertaining to inmates facing trial for the offence *inter-alia* under section 302 IPC.
6. Relying upon status report 16.08.2020, Mr. Raghuvinder Verma, learned APP appearing for the State opposes grant of interim bail and submits that as per their verification, the applicant's father has three other sons to look-after him.
7. Mr. Verma further points-out that as recorded in order dated 03.07.2020 made by the learned Sessions Court while dismissing the applicant's interim bail plea, in earlier proceedings on 19.09.2019, when the applicant's regular bail application was dismissed, his family tried to threaten the witnesses who were present in court on that date; and also that the applicant had incorrectly submitted that co-accused Kamal was on bail.
8. Mr. Verma also points-out that as disclosed in nominal roll dated 07.09.2020, the applicant's jail conduct is 'un-satisfactory' since he has been awarded punishments dated 31.03.2017, 06.08.2017, 12.04.2018, 16.08.2018 and 21.05.2019 for prison offences.
9. However, upon considering the nature of the prison offences, as seen from the punishment tickets filed along with the nominal roll, it is transpires that the last punishment awarded was more than a year

ago; and moreover, most of the punishments awarded are not for serious or violent prison offences. It is also seen that the applicant has been in custody for almost 04 years as an undertrial ; and considering the restricted functioning of courts due to the prevailing coronavirus pandemic, it is unlikely that trial will conclude anytime soon. Besides, the applicant does fulfil the criteria laid-down in the recommendations of the High Powered Committee as contained in Minutes of Meeting dated 18.05.2020, in that he is an undertrial under section 302 IPC, who has been in custody for more than 02 years, without any other or prior involvement in any criminal case.

10. Upon a conspectus of the foregoing, 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. 25,000/- (Rupees Twenty Thousands) with 01 surety of 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 at the address mentioned in this application;
- (c) The applicant shall furnish to the Investigating Officer/ S.H.O., 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., and if the I.O. is not available, then before the concerned S.H.O,

every Wednesday between 11 am and 11:30 am to mark his presence. However, he will not be kept waiting for longer than one hour for this purpose;

(e) If the applicant has a passport, he shall also surrender the same to the Jail Superintendent;

(f) 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 pending matter;

(g) Upon expiry of the period of interim bail, the applicant shall surrender before the concerned Jail Superintendent.

11. Nothing in this order shall be construed as an expression on the merits of the pending trial.
12. The bail application is disposed of in above terms.
13. Other pending applications, if any, also stand disposed of.
14. A copy of the order be sent to the Jail Superintendent.

ANUP JAIRAM BHAMBHANI, J.

SEPTEMBER 10, 2020

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