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

+ **BAIL APPLN. 2009/2020**

FAIZAL

..... Petitioner

Through: Mr. Mahee Arora and Mr. Karnail
Singh, Advocates.

versus

STATE OF DELHI

..... Respondent

Through: Mr. G.M. Farooqui, APP for State.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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13.08.2020

The hearing was conducted through video conferencing.

1. The petitioner seeks interim bail in case FIR No.295/2018 under section 363/376 IPC and section 6POCSO Act, registered at Police Station: Hazrat Nizamuddin on 23.10.2018.
2. The petitioner's mother, a divorcee, is stated to have recently undergone a surgery in which her gall bladder was removed. She needs personal post-operation care and assistance to recuperate. There is nobody to take care of her. Three of the petitioner's sisters are married and living in marital homes, the unmarried sisters are unable to manage the home affairs, especially in these, strenuous circumstances. The neighbours, who would have otherwise offered assistance, are unable to do so in view of the prevalent pandemic

situation.

3. The complainant has been partly examined. The other witnesses are public witnesses, over whom the petitioner can have no sway. The petitioner has been behind bars for a period of 22 months and his jail conduct is unremarkable.
4. In the circumstances, the petitioner is granted interim bail for a period of 4 weeks from the date of his release, on his furnishing a personal bond in the sum of Rs. 25,000/- with a surety of the like amount, to the satisfaction of the Duty MM/Jail Superintendent concerned. The bail is granted, subject to the following conditions:
 - i) The petitioner shall keep the SHO/IO concerned informed of his whereabouts on alternate days between 11 a.m. and 11.30 a.m. or between 5 p.m. and 6 p.m. through mobile/telephone by making a video call, and if a video call is not possible, he may send an SMS apropos his whereabouts, as well as “drop-a-pin” on a location app, to indicate his location. The IO’s mobile/telephone number shall be provided to the petitioner through counsel.
 - ii) The petitioner shall provide his contact number to the IO/SHO concerned and shall ensure that such number is reachable at all times.
 - iii) The petitioner shall not leave the NCT of Delhi.
 - iv) The petitioner shall not contact complainant(s) in any manner and shall not do anything which could prejudice the case of the prosecution.
5. The application stands disposed-off in terms of the above.

6. Nothing stated in this order shall be deemed to be an adjudication on the merits of the case. The Registry is directed to send/e-mail a copy of this order to the Jail Superintendent concerned for due compliance.
7. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

AUGUST 13, 2020

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