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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2062/2020**

ANISH YADAV

..... Petitioner

Through: Ms.Nusrat Hussain with Manish
Kumar Singh, Advocates

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Kewal Singh Ahuja, APP for
State

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **27.08.2020**

(Hearing through Video Conferencing)

Pursuant to order dated 24.8.2020, the status report dated 25.8.2020 has been submitted by the State under the signatures of Inspector Ashok Kumar, SHO Police Station Sadar Bazar. The applicant has sought the grant of interim bail in the instant case submitting to the effect that the applicant's house is in a dilapidated condition and his mother is not able to maintain the house herself.

The applicant has been incarcerated in relation to FIR No. 7/17 Police Station Sadar Bazar registered under Sections 302/307/328/120-B/34 of the Indian Penal Code, 1860 stated to have been incarcerated from 8.1.2017. The Nominal Roll dated 20.8.2020 which has been received from the Superintendent, Central Jail No.4,

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Tihar Delhi, indicates that the applicant has been in custody for a period of 3 years 6 Months and 27 days as on 20.8.2020. As per the said Nominal Roll, only FIR No. 691/16 Police Station Sangam Vihar registered under Sections 498A of the Indian Penal Code, 1860 has been shown against the applicant qua which a submission has been made by the applicant on the date 6.8.2020 that the matter has already been settled on 9.11.2017 in as much as since he was incarcerated in this case he could not get the FIR No. 691/2016 PS Sangam Vihar quashed. The status report that has been submitted on behalf of the State dated 18.8.2020 indicates that the applicant has been previously involved in FIR no. 240/2010, Police Station Dwarka (North) Sector 23 registered under Section 365/376G/341/506/328/34 of the Indian Penal Code, 1860 but that is inconsequential in as much as the said status report itself indicates that the applicant has been acquitted in relation thereto. The State has further stated however vide the status report dated 18.8.2020 that as per the conversation with the complainant's father, no settlement has been arrived at between the applicant and the complainant of the FIR No. 691/16 Police Station Sangam Vihar.

In the circumstances, the applicant does not fall within the parameters of the Minutes of the Meeting dated 18.5.2020 of the Hon'ble High Powered Committee of this Court.

As regards the aspect submitted through the application that the house of the applicant is in a dilapidated condition and the mother of the applicant has been unable to get the repair work done herself, the status report dated 18.8.2020 indicates to the effect that there are

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several patches as well as peeling of paint on the walls and roofs of the house and the same requires repairing. It has also been submitted through the said status report that the applicant had been granted interim bail for a period of 15 days vide order dated 22.6.2020 of this Court which is indicated to have been granted in Bail Appln. No. 1194/2020 on the grounds of the ailment of the mother of the applicant and it has been submitted through the said status report that the applicant could have got his house repaired at that time. It has been submitted on behalf of the applicant that the mother of the applicant cannot get her house repaired herself and that she suffers from mental ailment, it is however submitted on behalf of the applicant that the present application has been filed because of the dilapidated condition of the house of the applicant. The status report dated 25.8.2020 under the signatures of the SHO Sadar Bazar indicates to the effect that the mother of the applicant is aged 58 years and resides alone at Raj Nagar Part-II, Palam Colony and is a government servant and as per her statement she states that she mostly remains ill. The statement of one Narayan, a neighbor of the mother of the applicant is to the similar effect. The statement of one Mr.Aakash also states to the effect that the applicant's mother works with the Central Vehicles.

It is the avowed contention on behalf of the petitioner by the learned counsel for the petitioner that though the applicant's mother goes for her job, she is unable to get the house repaired herself in view of her condition and mental ailments as well.

Taking into the factum that the applicant's mother is working

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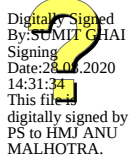
and goes to perform her duties, the submissions made that she cannot get her house repaired cannot be accepted as observed herein above. The applicant does not fall within the ambit of the Minutes of the Meeting dated 18.5.2020 of the Hon'ble High Powered Committee of this Court in view of his previous antecedents.

The application is thus declined.

ANU MALHOTRA, J

AUGUST 27, 2020/SV

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