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

+ **BAIL APPLN. 2141/2020**

ROHIT KUMAR

..... Petitioner

Through: Mr. Sandeep Gupta, Advocate.
(M:9999665548)

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Raghuvinder Verma, APP.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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01.09.2020

1. This hearing has been held through video conferencing.

CRL. M.A. 10785/2020 (exemption from filing attested affidavits)

2. This is an application seeking exemption from filing duly attested affidavits. Binding the deponent of the affidavit to the contents of the application, the exemption is granted. Application is disposed of.

BAIL APPLN. 2141/2020 & CRL. M.A. 10784/2020 (for exemption)

3. The Petitioner is accused in FIR No.648/2017 of offences under Section 302/34 IPC. The allegation against the Petitioner is that the Petitioner was involved in the death of the deceased, who was a friend of the Petitioner.

4. Ld. counsel for the Petitioner does not press for regular bail and only prays for interim bail. He submits that the nominal roll of the Petitioner shows that his conduct for the last one year has been satisfactory. He also relies upon the fact that ld. ASJ's order dated 31st July, 2020 dismissing the

application for bail was primarily on the ground that the Petitioner was involved in another case, being FIR No.411/2011. Ld. counsel submits that in the said case, the Petitioner has already been acquitted vide order dated 5th March, 2020. Accordingly, ld. counsel prays for grant of interim bail.

5. On the other hand, Mr. Raghuvinder Verma, ld. APP submits that the overall jail conduct of the Petitioner is unsatisfactory. He further submits that the Petitioner is involved in various criminal cases though he admits that insofar as FIR No.411/2011 is concerned, the Petitioner has been acquitted. Ld. APP also submits that out of a total of 23 witnesses, 19 witnesses have already been examined and only a few witnesses have been left. He submits that the trial can be expedited.

6. Heard. The nominal roll shows that the Petitioner has been in custody for the last 2 years 11 months. The jail conduct of the Petitioner for the last one year has been satisfactory. The unsatisfactory conduct of the Petitioner in the previous year appears to be due to one occasion when threats were given by the Petitioner to the escorting staff at the Court lockup. In the present case, the co-accused has, under similar circumstances, already been granted interim bail in Bail Appln. No. 1427/2020 titled *Rohit@Lala v. GNCTD* vide order dated 8th July, 2020.

7. Since, in FIR No.411/2011, the Petitioner has already been acquitted, the Petitioner's case is covered by the minutes of the High Powered Committee dated 18th May, 2020. Accordingly, the Petitioner is granted interim bail for a period of 45 days from the date of his release, subject to the following conditions:

- i) That a personal bond to the tune of Rs.10,000/- shall be furnished by the Petitioner along with a surety of the like amount to the

satisfaction of the Jail Superintendent, Central Jail No.4, Tihar Jail, New Delhi;

ii) The Petitioner shall not contact any witnesses directly or indirectly or indulge in any act that may impede the trial;

iii) The Petitioner shall provide his active mobile number to the I.O. and the I.O. shall keep in touch with the Petitioner on a regular basis. The Petitioner shall also provide his residential address to the IO.

iv) The Petitioner shall not travel outside Delhi.

8. The Petitioner shall surrender upon the expiry of the interim bail.

9. The present petition is disposed of in the above terms. All pending applications are also disposed of.

PRATHIBA M. SINGH, J.

SEPTEMBER 1, 2020

dj/T