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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 2180/2020**

DIWAKAR SHARMA @ MANNIPetitioner
Through: Mr Vipin Mishra and Mr Sanjay
Ghaloth, Advocates.

versus

THE STATE Respondent
Through: Mr G.M. Farooqui, APP for State.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **10.09.2020**

The hearing was conducted through video conferencing.

1. The petitioner seeks regular bail in case FIR No.155/2018 registered under Sections 376/506 of the Indian Penal Code ('IPC') at Police Station Hari Nagar, New Delhi.
2. The petitioner has been in custody since 28.03.2018. All the prosecution witnesses have been examined except for the Investigating Officer ('IO'). Surely, the petitioner has no sway over the police official. The petitioner contends that, for the last approximately ten dates, the IO has not appeared before the Trial Court for tendering evidence and it is not known as to when the evidence will be completed. Clearly no purpose would be served by keeping the petitioner behind bars. His conduct in jail is stated to be uneventful.
3. In view of the above, the petitioner is granted bail subject to his furnishing a Personal Bond in the sum of Rs.40,000/- with one surety

of the like amount to the satisfaction of the learned Duty MM/Jail Superintendent/Trial Court concerned, subject to the following conditions:

- (i) The petitioner shall keep the SHO/IO concerned informed of his whereabouts every Friday between 11:00 a.m. and 11:30 a.m. or between 5 p.m. and 6 p.m. through video call and if a video call is not possible, he may send a SMS apropos his whereabouts, as well as “drop-a-pin” on location app to indicate his location. The IO’s telephone number shall be provided to the learned counsel for the petitioner.
 - (ii) The petitioner shall not leave the territory of NCT of Delhi.
 - (iii) The petitioner shall not contact the complainant(s) in any manner and shall not do anything which will prejudice the case of the prosecution.
 - (iv) The petitioner shall provide his contact number to the IO/SHO concerned and shall ensure that such number is reachable at all times.
4. The bail application stands disposed-off in terms of the above.
 5. Nothing stated in this order shall be deemed to be an adjudication on the merits of the case.
 6. The Registry is directed to 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

SEPTEMBER 10, 2020/rd