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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 2324/2020 & CRL.M.A. 11547/2020

POOJA @ RAKHI KAPOOR

..... Applicant

Through: Mr.L.S.Saini, Advocate.

Versus

STATE

.....Respondent

Through: Mr.Ashok Kumar Garg, APP for State.

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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25.08.2020

(hearing through Video Conferencing)

CRL.M.A. 11547/2020 (Ex.)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 2324/2020

The applicant vide the present application seeks the grant of extension of interim bail on the ground of renewal of Indian Visa and for registration of PIO Card/OCI Card of her son namely Aryan Kapoor, British Citizen aged 11 years.

Notice thereof is issued to the State and is accepted by the learned APP on behalf of the State.

The applicant in the instant case was granted interim bail vide order dated 01.07.2020 in Bail Appl. No.1292/2020 for a period of 15 days subject to terms and conditions as imposed thereby in order that she may apply for renewal of the visa of her son.

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MALHOTRA.

Vide order dated 20.07.2020 in Bail Appl. No.1767/2020, in as much as, the response from the FRRO was yet awaited and in terms of the order dated 13.07.2020 of the Hon'ble Full Bench of this Court in W.P.(C)3037/2020, all interim bails as in existence on the date 13.07.2020, stood extended till the date 31.08.2020 and thus, vide order dated 20.07.2020, the interim bail granted to the applicant was extended till the date 31.08.2020 on the same terms and conditions as imposed vide order dated 01.07.2020 with directions to the applicant that he shall surrender on 01.09.2020 before the Superintendent Jail, Delhi concerned.

On behalf of the State, it has been submitted that in as much as, the visa has already been cancelled and the same would take a long time and that the appropriate course of action would be that the applicant be required to surrender.

It is essential to observe that vide order dated 24.08.2020 of the Hon'ble Full Bench of this Court in W.P.(C)3037/2020, all interim orders have been extended automatically till the date 31.10.2020 until further orders except where any orders to the contrary have been passed by the Hon'ble Supreme Court of India in any particular matter, during the intervening period, in as much as, it has been observed vide the said order of the Hon'ble Full Bench of this Court to the effect:-

“Needless to clarify that in case, the aforesaid extension of interim order causes any hardship of an extreme nature to a party to such proceeding, they would be at liberty to seek appropriate relief, as may be advised” and that furthermore, the Court had observed to the effect:- ***“the idea is to ensure that the released prisoners do not return to prison as asymptomatic patient of COVID-19, especially when the prisons are overcrowded.”***

Taking the spirit of the said order of the Hon'ble Full Bench of this Court into account extending the interim bails till the date 31.10.2020,

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without any observations on the merits or demerits of the prayer made by the applicant, the interim bail granted to the applicant vide order dated 01.07.2020 extended vide order dated 20.07.2020 as adverted to hereinabove is extended till the date 31.10.2020 on the same terms and conditions as imposed vide order dated 01.07.2020 with direction to the applicant that he shall surrender on 01.11.2020 before the Superintendent Jail, Delhi concerned.

The application is disposed of.

ANU MALHOTRA, J

AUGUST 25, 2020

'neha chopra'

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