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

+ **BAIL APPL 2401/2020**

WASIM AKRAM

..... Petitioner

Through: Mr. Sachin Aggarwal, Advocate

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Ms. Radhika Kolluru, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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11.09.2020

1. The present application has been filed on behalf of the petitioner seeking regular bail in FIR No.187/2019, registered under Section 302 IPC at Police Station Sadar Bazar, Delhi.
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He has referred to the Post-mortem Report as well as the Final Opinion Report given by Department of Forensic Medicine, Hindu Rao Hospital, Delhi (Annexure 'E') wherein it has been mentioned as follows :-

“FINAL OPINION: On the basis of postmortem findings, chemical analysis report and other reports as detailed above it is opined that: Cause of Death in this case is Shock as a result of coronary artery disease and its complications. However, deceased had consumed ethyl alcohol prior to his death.”

3. Learned counsel for the petitioner thus submits that as per the Final Opinion Report, the death did not occur on account of the incident stated in the FIR.

4. Learned APP for the State has opposed the bail application. She submits that the deceased was the petitioner's father and the petitioner was aware of the medical condition of his father. She also refers to the contentions mentioned in the FIR to submit that on the day of the incident, on account of some property dispute, the petitioner sat on the chest of his father.

5. At this stage, learned counsel for the petitioner submits that the chargesheet has already been filed. He further submits that while the petitioner was in custody, the wife of the petitioner was blessed with a girl child on 23.04.2020 who has since been unwell on account of respiratory issues. He submits that the child has been admitted in the hospital. He has referred to the medical documents of the *Kalawati Saran Children's Hospital* in this regard. Learned counsel for the petitioner lastly submits that there is no other male member in the family to look after the child.

6. The treatment papers of the petitioner's child have been verified. It has been stated that the petitioner's daughter *Ayza* was admitted in the hospital on 29.06.2020 and was discharged on 06.07.2020.

7. Looking into the facts and circumstances of the case and keeping in view the Final Opinion Report, the petitioner is admitted to regular bail on his furnishing a personal bond in the sum of Rs.30,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/Duty MM/concerned Court and subject to the following conditions:-

- (i) The petitioner shall not try to get in touch with the complainant or any other prosecution witness directly or indirectly and shall not make any effort to tamper with

the evidence.

- (ii) The petitioner shall not leave the jurisdiction of NCT of Delhi during the period of trial without the prior permission of the concerned Court.
- (iii) The petitioner shall remain available on the mobile number 9811955374, which he undertakes to keep operational at all times during the period of trial.
- (iv) In the event of change of residential address/ contact details, the petitioner shall promptly inform the same to the concerned I.O./SI *Vijay* (Mob. No.8920083270) as well as the concerned Court.
- (v) The petitioner shall regularly appear before the Trial Court.

8. With the above directions, the present application stands disposed of. However, nothing stated herein shall be considered as an expression on the merits of the case.

9. A copy of this order be communicated to the concerned Jail Superintendent electronically.

MANOJ KUMAR OHRI, J

SEPTEMBER 11, 2020

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