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

+ BAIL APPL.2457/2020

MOHD. SALMAN .....Applicant  
Through: Mr. Summinder Paswan, Adv.

versus

STATE GOVT. NCT OF DELHI .....Respondent  
Through: Mr. G.M. Farooqui, APP for the  
State.

**CORAM:**

**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**

% **18.09.2020**

The applicant, who is an accused in case FIR No. 60/2020 dated 14.02.2020 registered under sections 392/397/34 and sections 25/54/59 of the Arms Act at PS : Anand Vihar, seeks interim bail on the ground that his marriage to one Rahnuma is scheduled on 26.09.2020.

2. Notice in this application was issued on 01.09.2020.
3. Status report dated 10.09.2020 has been filed.
4. Nominal roll dated 11.09.2020 has been received from the Jail Superintendent.
5. Although status report dated 10.09.2020 said that the factum of the applicant's *nikah* scheduled on 26.09.2020 had been verified and statements *inter alia* of the brother of the bride-to-be had been recorded, on the last date of hearing *i.e.* 14.09.2020, this court had

directed the Investigating Officer (I.O.) to record the statement of the bride-to-be herself, confirming if she has consented to the proposed *nikah* after informing her of the context and the fact that the applicant was in custody in the present matter.

6. In response, an additional status report dated 16.09.2020 has been filed alongwith a hand-written statement, by way of questions and answers of the bride-to-be. Additional status report dated 16.09.2020 has been signed by Insp. Ranjan Kumar, SHO, PS : Anand Vihar, Delhi.
7. A copy of the Aadhaar card of Rahnuma has also been annexed.
8. Although in the additional status report filed on record, the last page of Rahnuma's statement was missing, the complete statement has been forwarded *via* e-mail by learned counsel for the applicant.
9. Let the complete statement be placed on record.
10. Mr. Summinder Paswan, learned counsel for the applicant has been heard in the matter.
11. The statement of Rahnuma was recorded by the I.O./S.I. Rajender Singh, PS : Anand Vihar, Delhi in the form of questions put to Rahnuma alongwith her answers. The statement has been signed by Rahnuma and the thumb impression of Rahnuma's mother Rihana has also been taken thereon. A perusal of the statement shows that Rahnuma is fully aware of the fact that the applicant is in custody in the present case, as also that there is another criminal case pending against him. In her statement Rahnuma also says that she was engaged to the applicant before he went into judicial custody; and that she is contracting *nikah* of her own free will as also with the consent and concurrence of her family.

12. Although the applicant's SCRB record has not been filed, Mr. G.M. Farooqui, learned APP submits, that as per his instructions, the applicant was implicated in 02 other cases, in one of which he has since been acquitted; while in the other case, he is on bail.
13. Upon a conspectus of the foregoing circumstances, this court is persuaded to grant to the applicant *interim bail* for a period of 02 (two) weeks from the date of his release, subject to the following conditions :
  - (a) The applicant shall furnish a personal bond in the sum of Rs.25,000/- (Rupees Twenty Thousands) with 01 surety in the like amount from a family member, to the satisfaction of the Jail Superintendent;
  - (b) The applicant shall not leave the State of Delhi without permission of the court and shall *ordinarily* reside at the address mentioned in this application;
  - (c) The applicant shall furnish to the I.O./SHO, a cell phone number on which the applicant may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
  - (d) The applicant shall present himself before the I.O./SHO every Monday between 11 am and 11:30 am to mark his presence. However, he will not be kept waiting for longer than one hour for this purpose;
  - (e) If the applicant has a passport, he shall also surrender the same to the Jail Superintendent;
  - (f) The applicant shall not contact, nor visit, nor offer any inducement threat or promise to the first informant/complainant or to any of the prosecution witnesses. The applicant shall not tamper with

evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending matter;

(g) Upon expiry of the period of interim bail, the applicant shall surrender before the concerned Jail Superintendent.

14. Nothing in this order shall be construed as an expression on the merits of the pending matter.
15. The bail application is disposed of in the above terms.
16. Other pending applications, if any, also stand disposed of.
17. A copy of the order be sent to the concerned Jail Superintendent.

**ANUP JAIRAM BHAMBHANI, J.**

**SEPTEMBER 18, 2020/tp/uj**