



IN THE HIGH COURT OF DELHI AT NEW DELHI

Order reserved on: 09.05.2022

Order delivered on: 13.05.2022

+ BAIL APPLN. 1399/2022

SHALU

..... Petitioner

Through: Mr.Kanhaiya Singhal, Mr.Prasanna,
Ms.Priyal Garg and Ms.Heena Tyagi,
Advocates.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr.M.P. Singh, APP for State.
Mr.Rahul Baisoya, Proxy counsel for
Mr.Aman Usman, Advocate for
complainant.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

ANOOP KUMAR MENDIRATTA, J.

1. An application has been filed by petitioner seeking early hearing in Bail Application No. 1399/2022. The applicant has preferred the Bail Application under Section 439 Cr.PC seeking interim bail for a period of 90 days in FIR No.77/2019 under Sections 302/307/120-B/34 IPC and Sections 27/54/59 of the Arms Act Police Station I.P. Estate for taking medical care of her daughter who is stated to be in 8th month of pregnancy. The expected date of delivery is stated to be 19.06.2022 and an early date is prayed for since the application is stated to have been listed for 05.08.2022 vide order dated 06.05.2022.



2. The Bail Application No. 1399/2022 is disposed of at this stage since detailed submissions have been made.

3. In brief, on 20.04.2019, complainant Pinki, a transgender along with her chelas Gangesh Jha and Deepak were fired upon at 04:45 PM by two boys on a motorcycle. Due to firing, Gangesh Jha, Pinki and Deepak sustained bullet injuries. Gangesh Jha was subsequently declared brought dead and Pinki and Deepak sustained bullet injuries. Accordingly, the present FIR was registered.

During the course of investigation, Ankit @ Paul and Ashu @ Vishal were arrested on 21.04.2019 wherein it was disclosed that Shalu (i.e. the petitioner), Shanker and Kale hatched the conspiracy to kill Gangesh Jha and Pinki and made a contact with accused Ankit @ Paul for consideration of Rs.5 lakhs.

4. Learned counsel for the petitioner submits that petitioner who belongs to transgender community got married with Shanker around 20-22 years back, who is co-accused in the present case and was having a daughter namely Komal from his first wife, who had expired after giving birth to the child. He further submits that regular bail application already stands withdrawn on 13.04.2022 and interim bail was earlier granted to the petitioner vide order dated 07.06.2021 by Hon'ble Ms. Justice Rekha Palli on medical grounds. It is also pointed out that an application for cancellation of interim bail was filed by the complainant on the ground that the complainant had been receiving threats from petitioner Shalu and as observed vide order dated 28.07.2021, the application was directed to be taken along with the regular bail application. An interim bail is also stated to have been granted to the petitioner vide order dated 29.04.2020 by the



learned Trial Court for a period of 30 days for looking after her daughter. Reference is also made to the medical report of the daughter of petitioner.

5. On the other hand, the application has been vehemently opposed by the learned APP for the State. It is stated that the petitioner/accused is involved in a previous case of attempt to murder, though on bail in the said case. Further, the petitioner is stated to have jumped interim bail in April, 2020. It is also pointed out that the petitioner is involved in two other cases namely FIR No.243//2020 dated 01.07.2020 under Sections 323/341/506/195-A/34 IPC as well as in FIR No.742/2018 under Sections 307/324/34 IPC, Police Station Mehrauli.

6. I have given considered thought to the contentions raised. It cannot be ignored that after the grant of interim bail vide order dated 07.06.2021, an application had been filed by the complainant regarding receiving of threats from petitioner Shalu. The said application was directed to be taken with the main application which has been thereafter withdrawn by the petitioner. The learned Trial Court while rejecting the interim bail appears to have rightly taken into account all the relevant factors and has observed that since the complainant/victim/witnesses are yet to be examined, there is a possibility that petitioner may temper with the evidence or influence the witnesses.

7. I am of the considered view that keeping the past conduct of the petitioner, gravity of offence and serious allegations, it may not be appropriate to release the petitioner on interim bail at this stage.

The application is accordingly dismissed.

(ANOOP KUMAR MENDIRATTA)
JUDGE

May 13, 2022/A