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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 443/2023 & CRL.M.A. 5189/2023

AMIT ARORA

..... Petitioner

Through: Mr. Mohit Mathur, Sr. Adv. with Mr. Ujjawal Sharma, Mr. Mohammad Shahrukh, Mr. Prashant Sivarajan, Mr. Saharsh Johri and Mr. Surya Singh, Advs.

versus

DIRECTORATE OF ENFORCEMENT THROUGH ITS

DIRECTOR

..... Respondent

Through: Mr. Zoheb Hossain, SPP for ED with Mr. Vivek Gurnani and Mr. Kalp Sarraiya, Advs.

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Date of Decision: 06.03.2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 3522-3523/2023

1. Exemption allowed subject to just exceptions.

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2. Mr. Mohit Mathur, learned senior counsel has submitted that at the outset, the condition imposed by the learned Trial Court vide the impugned

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order dated 30.01.2023 is unjustified. The condition imposed by the learned Trial Court is as under:

“ that he shall not seek any extension of his interim bail on any ground and if due to medical complications of his wife or any other reason the proposed surgery of his wife does not take place on 01.02.2023 or at the most, on next following date, then he shall surrender before the Jail Superintendent concerned by 6 pm on 02.02.2023 and will seek his interim bail afresh from this court after rescheduling of the surgery; ”

3. Vide the impugned order, the petitioner was granted bail till 13.02.2023. The interim bail was further extended by this court till 27.02.2023. However, on 27.02.2023 this court was busy in UAPA Tribunal, and the matter was adjourned for today.

4. It is an admitted fact that the surgery was conducted on 01.02.2023 and the wife of the petitioner was discharged on 02.02.2023. However, she had to be readmitted on 06.02.2023 and was discharged on 08.02.2023.

6. Mr. Zoheb Hossain, learned SPP for ED has vehemently opposed the extension of interim bail. Learned SPP submits that the wife of the petitioner was discharged on 08.02.2023 on the request of the petitioner himself.

8. Learned senior counsel for petitioner submits that despite the petitioner's wife being discharged on 08.02.2023, there are grounds for extension of interim bail.

9. However, I consider that the condition of the Trial Court that the



petitioner shall not move any application for seeking extension on any ground is little unjustified.

10. This court without going into the merits of the case and without going into the rival contentions of the parties grants ten days time to file an application for extension of interim bail before the learned Trial Court.

11. Learned Trial Court shall decide the application for extension of interim bail taking into the accounts pleaded in accordance with law without being influenced by the order passed by this court.

12. In case, the learned Trial Court declines the request of the interim bail, the petitioner shall surrender before the Jail Superintendent concerned on 16.03.2023 before 05:00 PM.

13. The bail application alongwith other applications stands disposed of.

14. Copy of the order be given dasti.

DINESH KUMAR SHARMA, J

MARCH 6, 2023/AR