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

+ **BAIL APPLN. 114/2024**

**HARISH**

..... Petitioner

Through: Mr.Hiren Sharma, Mr.Anil Dala,  
Mr.Vimal Tyagi and Mr.Balaji Pathak, Advocates

versus

**STATE & ANR.**

..... Respondents

Through: Mr.Laksh Khanna, APP for State

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**ORDER**

**12.01.2024**

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1. The present application has been filed under Section 439 Cr.P.C. on behalf of the petitioner/applicant seeking interim bail in FIR No.356/2019 registered under Sections 302/506/201/120B/34 IPC at P.S. Mundka on the ground that the applicant's wife surgery is planned on 16.01.2024 for which she is required to be admitted at Fortis Hospital, Shalimar Bagh.
2. Learned counsel for the applicant submits that the applicant's wife had fallen from the stairs and sustained injuries in her spine.
3. Learned APP for the State has opposed the bail application and submits that during the investigation the applicant had surrendered only after proceedings under Section 82 Cr.P.C. were initiated against him.
4. The verification report has been handed over in Court today alongwith the nominal roll of the applicant which are taken on record. As per the status report, the verification was done from the concerned doctor who stated as



under:-

*“Ms. Nishu is suffering from L5S1 extruded disc, for which surgery is planned on 16.01.2024. L5S1 extruded intervertebral disc with Canal stenous.”*

5. The enquiry is also stated to be done from the applicant's wife as well as from the neighbours which has revealed that the applicant's wife is residing with her son aged about 5 years and father-in-law aged about 74 years. It is also stated that all the material witnesses have been examined.

6. A perusal of the nominal roll of the applicant shows that the applicant has been in custody for about 3 years 9 months and 29 days as on 12.01.2024 and was earlier released on interim bail for a period of 30 days from 10.06.2021 to 09.07.2021 whereafter he surrendered on time.

7. Considering the aforementioned and the fact that it has been verified that the applicant's wife has to undergo surgery on 16.01.2024, it is directed that the applicant be released on interim bail for a period of 10 days from the date of his release, subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned Jail Superintendent/Duty M.M./concerned Court and subject to the following conditions :-

- i) The applicant shall not leave the Delhi NCR without prior permission of the concerned Court;
- ii) At the time of furnishing bail bond, the applicant would specify the mobile number, which he undertakes to keep operational during the period of his release;
- iii) The applicant shall report to the concerned I.O./S.H.O., P.S. Mundka on every Monday and Friday during the period of



interim bail release;

v) The applicant shall not directly/indirectly try to get in touch with the prosecution witnesses or tamper with the evidence;

vi) The applicant shall surrender after the expiry of the interim bail period.

v) In case the surgery is not performed on 16.01.2024, the applicant will surrender on 17.01.2024.

8. The bail application is disposed of in the above terms.

9. Copy of the order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

10. Copy of the order be uploaded on the website forthwith.

***DASTI.***

**MANOJ KUMAR OHRI, J**

**JANUARY 12, 2024**

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