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

+ **BAIL APPLN. 322/2024**

MITHLESH KUMARI

..... Applicant

Through: Mr.Alok Bhachawat, Mr.Yash
Singhanian, Advs.

versus

STATE (NCT) DELHI & ANR.

..... Respondents

Through: Mr.Aman Usman, APP.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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25.01.2024

CRL.M.A. 2767/2024 (Exemption)

1. Allowed, subject to all just exceptions.

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2. This application has been filed under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.'), seeking extension of the Interim Bail that has been granted to the applicant vide order dated 24.01.2024 passed by the learned Additional Sessions Judge-06, South District, Saket Courts, New Delhi (in short, 'Trial Court') in FIR No.183/2023 registered at Police Station: Tigri, South District, Delhi under Sections 304B/306/498A/406/506/34 of the Indian Penal Code, 1860 (in short, 'IPC').

3. The learned counsel for the applicant submits that before the learned Trial Court, the fact of the mother of the applicant being



admitted in HAH Centenary Hospital, Hamdard Nagar, New Delhi, and of being on ventilator support, was duly verified by the respondent. In spite of the same, the learned Trial Court by the order dated 24.01.2024, released the applicant only for a day on Interim Bail. He submits due to the limited duration, the applicant does not have sufficient time to spend with her ailing mother at the time when she needs her the most.

4. On the other hand, the learned APP, who appears on advance notice, submits that there are grave charges against the applicant. He submits that it is not the case of the applicant that there are no other family members to look after the mother of the applicant. He submits that even otherwise, the mother of the applicant is on a ventilator support and the applicant cannot be of any help to her. He submits that the investigation also is pending and it is likely that if the applicant is granted an extension of Interim Bail, she may misuse the same.

5. I have considered the submissions made by the learned counsels for the parties.

6. The learned Trial Court while granting Interim Bail to the applicant has observed as under:

“11. Applying the said principles to the case in hand, this Court is of the view that a case for grant of interim bail is made out as Ms. Sushila Devi might be in her last days and the wish of applicant to see her while she was still alive cannot be brushed aside lightly. It is to be noted here that investigation in present case was already complete qua the applicant and charge-sheet has already been filed. The apprehension of complainant to the effect that she can influence the further investigation can be taken care of by imposing appropriate



conditions.

12. Considering the above discussion, the application stands allowed. Applicant Ms. Mithlesh Kumari is hereby admitted to interim bail for a period of one day on furnishing of bail bond in the sum of Rs.50,000/- with one sound surety in the like amount. She is directed to surrender before Jail Authorities on the next day of her release by 06:00 pm. While on interim bail, the applicant shall not contact Mr. Neeraj Kumar and Ms. Priti in any manner whatsoever as investigation qua their role in alleged offences is stated to be pending. Further, she shall not contact the complainant or her family members also.”

7. It has been verified and is not disputed that the mother of the applicant is on ventilator support. In my view, therefore, the interest of justice is served if the Interim Bail granted to the applicant vide order dated 24.01.2024 passed by the learned Trial Court in FIR No.183/2023 registered at Police Station: Tigri, South District, Delhi is extended till 02.02.2024, on the same terms and conditions as have been stipulated by the learned Trial Court in its order dated 24.01.2024, and in addition to the said conditions, the applicant also reports to the Investigating Officer on a daily basis during the period of her on being enlarged on Interim Bail. It is ordered accordingly.

8. It is made clear that the applicant shall not be entitled to seek a further extension of the Interim Bail on the grounds of ill-health of her mother.

9. The applicant is directed to surrender before the Jail Authorities on the expiry of her Interim Bail, that is, on or before 02.02.2024.

10. The application stands disposed of.



11. Copy of this order be sent to the concerned Jail Superintendent for information and necessary action.

12. *Dasti.*

NAVIN CHAWLA, J

JANUARY 25, 2024/Arya/AS

Click here to check corrigendum, if any