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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 501/2024**
KAPIL @ LUCKY Applicant
Through: Mr.Anup Kr. Das, Adv.

versus

STATE (NCT OF DELHI) Respondent
Through: Mr.Aman Usman, APP with SI
Ankur.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
27.02.2024

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1. 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 release of the applicant on *Interim* Bail for a period of eight weeks in proceedings emanating from FIR No.1169/2020 registered at Police Station: Nihal Vihar, Outer District, Delhi under Sections 364A/302/120-B of the Indian Penal Code, 1860 (in short, 'IPC'), on account of the father of the Applicant suffering a paralytic attack/ acute stroke on 17.11.2023. The Applicant seeks *Interim* Bail to look after his father and make arrangements for his medical treatment.

2. The learned counsel for the Applicant placing reliance on the Order dated 10.06.2020 passed by this Court in Bail Appln. 1004/2020 titled *Angad Kumar @ Sagar v. State (Govt. of NCT of Delhi)*, submits that the Applicant is willing to undergo the stringent conditions imposed on the Applicant, if he is released on *Interim* Bail.



He further submits that the mother of the Applicant herself is old and therefore cannot look after the father of the Applicant. He submits that, in fact, the wife of the Applicant is residing in a separate premises away from the parents of the Applicant.

3. The learned APP points out that the statement of the complainant is yet to be recorded before the learned Trial Court and, therefore, he strongly opposes the prayer made in the present application. He submits that it is case of the prosecution that the subject FIR was registered on the complaint received from the mother of the deceased wherein she raised a complaint of kidnapping of her son/victim. Thereafter, the victim was found murdered. The accused persons have been charged for the offences under Sections 302/364A/201/120B/34 of the IPC vide order dated 10.05.2022.

4. I have considered the submissions made.

5. This Court, vide its order dated 12.02.2024, had directed the respondent to verify the averments made in the application.

6. A copy of the Status Report has been handed over by the learned APP in Court today. Let the same be placed on record.

7. The said Status Report indicates that, though the father of the Applicant is being treated for an acute stroke which he had suffered on 17.11.2023, he is currently not admitted in the hospital. It is further stated that the father of the Applicant has not undergone any surgery and is being provided treatment to prevent stroke recurrence. It is further reported by the doctor that the presence of the Applicant's wife is sufficient to take care of the medical needs of the father of the Applicant. It is further reported that on local enquiry it was found that



the father of the Applicant is residing with the wife of the Applicant who is working in JNU. The applicant is also having two children aged around 16 years and 12 years.

8. In view of the above report, the Applicant, at this stage, has been unable to make out a case for being released on *Interim* Bail.

9. The application is, accordingly, dismissed.

NAVIN CHAWLA, J

FEBRUARY 27, 2024/Arya/AS

Click here to check corrigendum, if any