



\$~43

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

+ **BAIL APPLN. 502/2024**

ROHIT ALIAS FAUJI

..... Petitioner

Through: Mr. Vineet Jain, Advocate (appeared
through VC)

versus

STATE GNCT OF DELHI

..... Respondent

Through: Mr. Manoj Pant, APP for the State
with Inspector Dharmendra Kumar,
P.S. Anand Parbat

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

%

12.02.2024

CRL.M.A. 4379/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

BAIL APPLN. 502/2024

3. The instant application under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C. ') has been filed on behalf of petitioner seeking grant of interim bail for a period of 45 days in case bearing FIR no. 390/2022 registered at Police Station Anand Parbat for offence punishable under Sections 302/34 of Indian Penal Code, 1860 ('IPC') and Section 25/27 Arms Act, 1959.
4. Issue notice. Mr. Manoj Pant, learned APP accepts notice on behalf of the State.



5. Learned counsel for the applicant argues that the applicant was blessed with a baby girl in June, 2023 and at that point of time, the applicant was released on interim bail. It is submitted that since her birth, the minor daughter of the applicant is suffering from seizure attacks and she is being treated for the same. It is further stated that the applicant was earlier released on interim bail also for the purpose of treatment of his daughter. It is argued that the minor daughter of the applicant is again suffering from seizure attacks and has to undergo several tests for the purpose of diagnosis of medical issues. Learned counsel further submits that applicant's daughter requires proper treatment and also has to undergo EEG test which is scheduled for 15.02.2024 and applicant is the only male and responsible member in the family to look after his ailing daughter. It is further submitted that applicant was earlier released on interim bail on several occasions and he had never misused the liberty granted to him. In these circumstances, it is prayed that the present application for grant of interim bail be allowed.

6. Learned APP for the State submits that the allegations against the applicant are serious in nature, however, the factum of medical condition of the daughter of applicant has been verified.

7. This Court has heard arguments addressed on behalf of both the parties and has perused material available on record.

8. The present applicant has sought interim bail on the ground of medical treatment of his infant daughter, who is suffering from neurological problems such as regular seizure attacks, etc. This Court also notes that the applicant had earlier been released on interim bail on similar grounds and he had not misused the liberty granted to him.

9. Considering the overall facts and circumstances of the case, this Court



is inclined to grant interim bail to the applicant for a period of 15 days, on furnishing personal bond in the sum of Rs.10,000/- with one surety of like amount subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned, on the following terms and conditions:

- “(i) that the accused shall not threat or influence witnesses or try to approach any of the witnesses cited by the prosecution.
 - (ii) that the accused shall share details of his mobile phone with the IO after his release.
 - (iii) that the accused shall not change his address during his interim bail period.
 - (iv) that the accused shall not indulge in any criminal activity during his period of interim bail.
 - (v) The applicant will surrender on expiry of period of interim bail.
10. In view of the above, the present application stands disposed of.
11. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

FEBRUARY 12, 2024/ns

[Click here to check corrigendum, if any](#)