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

+ **BAIL APPLN. 638/2024**

MUNNA@SALMAN

..... Petitioner

Through: Mr. Hemant Gulati, Advocate.

versus

STATE, NCT OF DELHI

..... Respondent

Through: Mr. Manoj Pant, APP for the State.
SI Naresh Kumar Sharma, PS Krishna
Nagar.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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23.02.2024

CRL.M.A. 5618/2024 (for exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. By way of the present application, the applicant seeks grant of interim bail in FIR No.79/2019 under Sections 302/120B/34 of the Indian Penal Code, 1860 (IPC) read with Sections 25/27 of the Arms Act, 1959 registered at Police Station Krishna Nagar.
4. It is the case of the applicant that the brother of the applicant is getting married on 26th February, 2024 at Seelampur Delhi and therefore, he seeks grant of interim bail. In this regard, the applicant has filed the marriage card of the said wedding as Annexure P-3 to the present application.



5. Counsel appearing on behalf of the applicant submits that the applicant has been in custody for more than 5 years and his conduct in Jail has been satisfactory.

6. As per the Status Report filed on behalf of the State, the factum of marriage of the applicant's brother has been confirmed. However, the grant of interim bail is opposed by the State on the ground that the brother of the co-accused, namely, Mazid @Iqram had threatened one of the eye-witnesses on 23rd November, 2020.

7. In my considered view, this cannot be the ground for opposing grant of interim bail to the applicant.

8. Accordingly, in the facts and circumstances of the case, this Court is inclined to grant interim bail to the applicant for a period of 10 days from the date of release, upon furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Trial Court and further subject to the following conditions:-

- i. The applicant shall share his mobile numbers with the Investigating Officer (IO) which shall be kept on at all times.
- ii. In case of change of residential address, he shall inform the Trial Court as well as the IO.
- iii. The applicant shall not travel outside Delhi during this period.
- iv. The applicant shall not do anything which may prejudice either the trial or the prosecution witnesses.
- v. The applicant shall duly surrender before the concerned Superintendent of Jail after the expiry of the period of interim bail.
- vi. In case he is found indulging in any other incident or incident of offence of tampering with evidence or approaching the witnesses, the



same will become ground for cancellation of interim bail.

9. The applicant shall surrender immediately after the expiry of 10 days from the date of release.
10. Copy of this order be sent to the Jail Superintendent for information and necessary compliance.
11. Copy of this order shall also be given to the counsel for the applicant *dasti* under the signatures of learned Court Master.
12. Accordingly, the application is disposed of in the aforesaid terms.

AMIT BANSAL, J.

FEBRUARY 23, 2024

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