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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1055/2024**

**BABULAL BAWARIYA THROUGH HIS PAIROKAR BANWARI
LAL** Petitioner

Through: Mr. Arvind Minocha, Sr. Advocate
with Mr. Anil Kumar Jha, Mr.
Akhilesh Yadav, Ms. Shefali and Mr.
Manoj Kumar Tomar, Advocates.

versus

STATE OF NCT DELHI Respondent

Through: Mr. Aashmeet Singh, APP for State
with SI Sangeeta, P.S. S.B. Dairy.
Mr. Vijay Kasana, Mr. Chetan Singh,
Mr. Chirag Verma and Mr. Dalip
Garg, Advocates for complainant.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
03.04.2024

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1. By way of present bail application filed under Section 439 Cr.P.C., the applicant seeks interim bail in FIR No. 448/2022 registered under Section 376 IPC and Section 6 of the POCSO Act, 2012 at P.S. Shahbad Dairy on the ground that his wife is admitted in SMS Medical College Psychiatric Centre, Janta Colony, Jaipur, Rajasthan since 29.02.2024.
2. Mr. Minocha, learned Senior Counsel for the applicant states that the applicant has two minor children aged 11 and 14 years who need to be looked after. He further submits that vide order dated 09.10.2023, the applicant was granted the benefit of interim bail on the demise of his brother, which concession he has not misused. He further submits that the



deceased brother also has two minor children aged 4 and 6 years.

3. Mr. Singh, learned APP for State, who is duly assisted by Mr. Kasana, counsel for victim, on the other hand, has opposed the bail. It is submitted that in the present case charge-sheet has been filed and charges has been framed.

4. Status Report has been placed on record as per which, it is verified that applicant's wife was initially admitted on 29.02.2024 whereafter she was discharged on 23.03.2024. Later, she was re-admitted in the said hospital on 27.03.2024 and continues to be admitted till date.

5. Considering the fact that the victim is a resident of Delhi whereas applicant's wife is admitted in Jaipur and the further fact that earlier as well, on the ground of demise of his brother, the applicant was admitted on interim bail, it is directed that applicant he released on interim bail for a period of 14 days from the date of his release, subject to his furnishing personal bond in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the Trial Court and subject to following conditions:

- i) The applicant shall not leave India without prior permission of the Trial Court.
- ii) The applicant shall intimate the Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iii) The applicant shall appear before the Trial Court as and when the matter is taken up for hearing.
- iv) The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
- v) The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.



- vi) The applicant shall surrender upon the expiry of the interim bail.
6. At this stage, Mr. Minocha, learned Senior Counsel for the applicant states that though he appeared on the last date of hearing, however his appearance was not marked. Let the appearance of Mr. Minocha be read in the order dated 22.03.2024 as well.
7. Bail application is disposed of in the above terms.
8. Needless to state that nothing stated hereinabove is an opinion on the merits of the case.
9. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
10. Order be uploaded on the website of this court forthwith.

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MANOJ KUMAR OHRI, J

APRIL 3, 2024

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