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

+ **BAIL APPLN. 1896/2024**

AARTI

..... Petitioner

Through: **Mr.Rahul Sharma and Mr.Pranay
Abhishek, Adv.**

versus

STATE NCT OF DELHI

..... Respondent

Through: **Mr.Ritesh Kumar Bahri, APP for the
State with Mr.Lalit Luthra, adv.
IO/ASI Sanjeev Kumar, PS Timarpur**

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

03.06.2024

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Present bail application has been moved under Section 439 Cr.P.C. for the grant of interim bail on the ground of illness of the newly born child.

Briefly stated the facts are that the petitioner was arrested for the offence punishable under Section 21/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985. The accused was allegedly found in possession of 540 gms. of Heroin. The FSL report has found the recovered contraband positive for Diacetylmorphine, Dextromethorphan, Monoacetylmorphine, Acetylcodeine, and Trimethoprim.

The chargesheet has already been filed. The accused is stated to be in custody since 15.02.2023. Learned counsel for the petitioner submits that the petitioner was granted interim bail on 12.02.2024 on the ground of



advance stage of pregnancy. The petitioner delivered a premature Baby. The baby is stated to be not well. The interim bail of the petitioner was extended from time to time till 18.05.2024. Learned counsel for the petitioner submits that application for extension of interim bail was wrongly dismissed on 21.05.2024. Learned counsel for the petitioner submits that the newly born baby is suffering from various ailments. It has been further submitted that there is no one else in the family to look after the child. Learned counsel for the petitioner has also submitted that in the status report the medical papers have been found to be correct. It has further been submitted that since there is no one in the family to take care of the child, the petitioner may be granted interim bail for four weeks.

Learned APP has opposed the bail application. Learned APP submits that in the guise of interim bail the accused cannot be allowed to be remained on bail for indefinite period. Learned APP has submitted that the discretion has already been exercised in favour of the petitioner various times and now there is no ground for the extension of the interim bail. Learned APP has also submitted that the petitioner despite expiry of the interim bail has not surrendered before the jail authorities. It has also been submitted that the father of the baby is also wanted in this case and is absconding and has been declared Proclaimed Offender.

I have considered the submissions.

The status report filed by the IO verifies the medical condition of the newly born baby. As per report, the baby is suffering from rearmost chest infection, fever, cough and vomiting. The weather condition in the city is very hostile. At this stage, infant requires the care and attention of the mother.



I consider that, without going into the merits of the case and taking into account the totality of the facts and circumstances, the petitioner is admitted to interim bail till 30.06.2024 upon furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the investigating officer, subject to the following conditions:

- a) the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- b) The applicant shall remain available at B-381, J.J.Colony, Raghubeer Nagar, Delhi-27, throughout the period of interim bail. The petitioner shall also not change the address.
- c) The applicant shall also remain available on her mobile number i.e. 8349538846 and keep it operational at all times;
- d) The applicant shall appear before the investigating officer through video conferencing on every alternative day at 4 p.m.
- e) In case of change of the mobile number, the applicant shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit;

With the above directions, the interim bail application stands disposed of.

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

DINESH KUMAR SHARMA, J
(VACATION JUDGE)

JUNE 3, 2024/rb/na..