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

+ **BAIL APPLN. 2033/2024**

MAHESH GUPTA

.....Petitioner

Through: Mr. Murari Tiwari, Mr. Manoj Gupta,
Mr. Rahul Kumar Mr. Nimisha
Gupta, Mr. Mukund Gupta and Ms.
Indira Murthy, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the State
with Mr. Rajat Dasgupta, Mr.
Abhishek Verma, Ms. Shweta Pant,
Mr. Lokesh Kumar Sharma, Mr.
Abhishek Sharma, Mr. Anjush
Yadav, Mr. Shiv Shankar Gaur, Mr.
Mahendra Pratap, Mr. Rajesh Kumar
Singh, Mr. Vishal Sharma, and Ms.
Indu Mittal, Advocates.
Mr. R.K. Tarun, Advocate for the
complainant.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

26.07.2024

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By way of the present petition filed under section 439 read with section 482 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioner seeks interim bail in case FIR No. 0161/2020 dated 15.06.2020 registered under section 302 of the Indian Penal Code 1860 ('IPC') at P.S.: Prashant Vihar, Delhi on the ground that he needs to participate in completing the last rites and rituals of the petitioner's aunt. *Vide* chargesheet dated 14.09.2020, charge under sections 201/120-B/34 IPC have also been added to the case.



2. Notice on the petition was issued on 03.06.2024.
3. Pursuant to order dated 11.07.2024, the Investigating Officer ('I.O.') has verified the grounds on which the interim bail is sought. Mr. Manoj Pant, learned APP appearing for the State has handed-up a copy of Verification Report dated 26.07.2024.
4. Verification Report dated 26.07.2024 is taken on record.
5. Appended to the verification report are statements of a relative and a neighbour, alongwith a card which shows the schedule of certain post-demise ceremonies of the petitioner's aunt on 04.08.2024. Also appended to the verification report is a railway reservation for the petitioner's proposed travel from Delhi to Bodh Gaya, Bihar for performing certain rituals.
6. Mr. Murari Tiwari, learned counsel appearing for the petitioner submits, that though the deceased was the petitioner's aunt, since he had performed certain ceremonies to begin with, the petitioner's family customs require that the petitioner must also complete the '13th day ceremony' and also to perform 'Pind Daan' at Bodh Gaya for his aunt.
7. Mr. Tiwari informs the court, that the petitioner plans to depart from Delhi for Bodh Gaya, Bihar on 17.08.2024 and would return on 22.08.2024. In this backdrop, Mr. Tiwari prays that the petitioner be granted interim bail for a period of 04 weeks.
8. The court has heard the learned APP as well as Mr. R.K. Tarun, learned counsel appearing for the complainant, who is the victim's father.



9. Mr. Tarun argues, that the offence alleged is heinous; that the petitioner's aunt passed away on 23.05.2024 and therefore the '13th day ceremony' cannot be performed at this late stage; and that the petitioner's plea for a 04 week interim bail is excessive.
10. Upon a conspectus of the facts and circumstances of the case, and considering the grounds on which interim bail is sought, and on a balance of all considerations, this court is persuaded to grant to the petitioner **Mahesh Gupta s/o late Ram Mohan Gupta** *interim bail* for the period *from 14.08.2024 to 24.08.2024*, subject to the following conditions :
 - 10.1. The petitioner shall furnish a personal bond in the sum of Rs.50,000/- (Rs. Fifty Thousand Only) with 02 *local* sureties in the like amount from family members, to the satisfaction of the learned trial court;
 - 10.2. While on interim bail the petitioner shall confine himself to the NCT of Delhi and to the State of Bihar, except while in transit between Delhi and Bihar.
 - 10.3. The petitioner will place a video-call to the I.O. on every alternate day between 11:00 am to 11:30 a.m.;
 - 10.4. The petitioner shall furnish to the I.O. a cell-phone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
 - 10.5. If the petitioner has a passport, he shall surrender the same to the learned trial court and shall not travel out of the country while on interim bail;



- 10.6. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial;
- 10.7. Upon expiry of the period of interim bail, the petitioner shall surrender before the jail authorities.
11. The petitioner shall not seek any extension of interim bail on the ground cited in the present petition.
12. Nothing in this order shall be construed as an expression of opinion on the merits of the pending matter.
13. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.
14. The petition stands disposed-of.
15. Other pending applications, if any, are also disposed-of.

ANUP JAIRAM BHAMBHANI, J

JULY 26, 2024/ak