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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ **BAIL APPLN. 2078/2024**

KASIM

.....Applicant

Through: Mr. Shamim A. Khan,
Adv.

versus

STATE OF NCT DELHI

.....Respondent

Through: Mr. Naresh Kumar
Chahar, APP for the State.
SI Pancham Kumar, PS
Sadar Bazar.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

08.07.2024

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1. The present application is filed under Section 439 of the Code of Criminal Procedure, 1973 seeking interim bail in FIR No. 677/2021 dated 14.11.2021 under Section 307 of the Indian Penal Code, 1860, registered at Police Station Sadar Bazar on the ground that the applicant has to take care of his ailing mother.
 2. This Court by order dated 16.05.2024, had directed the applicant to be released on interim bail for a period of seven days on the ground that mother of the applicant had to undergo a major surgery. The applicant has thereafter surrendered.
 3. By way of the present bail application the applicant seeks interim bail on the ground that his mother requires post-surgical care and there is no one in his family to look after her. The application was filed on 30.05.2024 seeking interim bail for a period of four weeks. Admittedly, four weeks have already expired.
 4. It is not in doubt that a person who has undergone major
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surgery, requires care and attention. However, the same cannot be a ground for the accused persons to be granted interim bail for an endless period of time. Admittedly, person of old age having undergone a major surgery in some cases would require care and attention for rest of the life.

5. The Investigating Officer is present in the Court and states that on verification, it was found that a girl, namely, Mehak has been staying with the mother of the applicant and is taking care of her. He further submits that the applicant on earlier occasion when released on interim bail had not followed the conditions imposed while granting bail.

6. Be that as it may. It is not disputed that the applicant had surrendered in time on an earlier occasion when he was released on interim bail. Purely on a humanitarian ground the applicant is directed to be released on interim bail for a period of seven days.

7. In view of the above, the applicant is directed to be released on interim bail for a period of seven days on him furnishing a personal bond for a sum of ₹ 50,000/- with two sureties of the like amount, one of whom shall be in blood relation of the applicant, subject to the satisfaction of the learned Trial Court, on following conditions:

- a. The applicant shall surrender on or before the seventh day, from the date of his release, before the concerned jail superintendent, before 4:00 p.m.;
- b. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- c. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall



keep his mobile phone switched on at all times;

- d. The applicant shall, upon his release, speak with the concerned IO once every day;
 - e. The applicant shall under no circumstance leave the boundaries of NCT of Delhi during his release;
 - f. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever.
8. It is made clear that no further applications seeking interim bail on the aforesaid ground will be entertained.
9. The present bail application is allowed in aforesaid terms.

AMIT MAHAJAN, J

JULY 8, 2024

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