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

+ **BAIL APPLN. 2129/2024**

UMESH @ KALA

..... Petitioner

Through: Mr. Murari Tiwari, Mr. Rahul Kumar
& Mr. Sarthak Singh, Advocates

versus

STATE (NCT OF DELHI)

..... Respondents

Through: Mr. Laksh Khanna, APP for State
with SI Devendra Rawat

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **19.06.2024**

CRL.M.A. 18391/2024

Exemption allowed, subject to just all exceptions.

BAIL APPLN. 2129/2024

1. It happens to be application under Section 439 Cr.P.C. read with 482 Cr.P.C. whereby the petitioner is seeking interim bail on the ground that his wife is to undergo surgery.
2. Strong reliance has been placed upon order dated 07.06.2024 passed by the Co-ordinate Bench of this Court. I have seen order dated 07.06.2024 passed in Bail Application No. 1596/2024 in which case also, the same petitioner had sought interim bail on the same ground that his wife was to undergo surgery. In said case, status report was called from the respondent/State and the perusal of the report clearly verified the fact that wife of petitioner was to undergo surgery. Said case pertained to FIR No.



83/2018 PS Maurya Enclave for commission of offences under Sections 302/307/120B/174A/34 IPC & under Section 27 Arms Act. The Coordinate Bench of this Court granted interim bail for a period of four weeks to be reckoned from the date of his release, subject to certain conditions.

3. Attention of the Court has also been drawn towards order dated 18.06.2024 passed by Punjab & Haryana High Court with respect to the petitioner herein. He was involved in a murder and was held guilty. However, for the same reason, he has been granted interim suspension of sentence for a period of four weeks.

4. Application has been vehemently opposed by learned counsel for respondent. It has been contended that petitioner is involved in serious offences falling under MACOCA and, therefore, he should not be enlarged on interim bail. It is apprehended that if he is enlarged on interim bail then there is every chance of his fleeing from justice and he may abscond from the clutches of law. It is also informed that arguments on charge have been heard and the order on charge is to be pronounced in first week of July, 2024 and if released from jail, there is apprehension, he may also try to influence the witnesses. It is argued that allegations against him are grave and serious and he is an active member of organized crime syndicate and if released from jail, he may commit other offences as well.

5. Heard.

6. This Court cannot be oblivious of the fact that petitioner has sought interim bail from two other Courts citing the same very reason and those two cases were also serious in nature i.e. murder cases and, therefore, gravity of cannot be undermined with respect to the other matters.

7. Keeping in mind the overall facts and circumstances of the case and



the fact that the medical condition of the wife of petitioner has already been duly verified, petitioner is granted interim bail for a period of four weeks from the date of his release on his furnishing personal bond in a sum of Rs. 50,000/- with one surety of the like amount to the satisfaction of the learned Trial Court with the following conditions: -

- (i) Petitioner shall appear before the Court as and when the matter is taken up for hearing.*
- (ii) Petitioner shall provide his mobile number to the SHO/IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.*
- (iii) Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses, directly or indirectly.*

8. It is , however, clarified that no request for extension of interim bail would be entertained on any ground whatsoever and the onus would be on the petitioner that surgery takes place during the aforesaid period of four weeks.

9. Application stands disposed of accordingly.

MANOJ JAIN, J
(VACATION JUDGE)

JUNE 19, 2024/dr