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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 2170/2024

ANKIT BISHT@NIKKI

.....Petitioner

Through: Mr. Avi Kalra, Mr. Prateek Lakra,
Ms. Deepshikha and Mr. Devesh
Chauhan, Advocates.

versus

STATE

.....Respondent

Through: Mr. Utkarsh, APP for the State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

05.07.2024

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By way of the present petition filed under section 439 of the Code of Criminal Procedure 1973, the petitioner seeks interim bail for a period of 45 days, on the ground that his wife needs to undergo surgery.

2. Notice on this petition was issued on 26.06.2024.
3. In support of his submission, the petitioner had placed on record certain medical documents concerning his wife. The medical documents have been verified *vide* status report dated 'nil', which records that the doctors at Fortis Hospital, Shalimar Bagh, Delhi had indeed advised the petitioner's wife to undergo surgery for lumbar decompression and fixation; for which she had been under treatment since 13.04.2024. The status report further records that the wife would need an attendant during her stay in hospital for about 05 to 07 days; and that she would need rehabilitation for 02 to 03 weeks thereafter. The surgery was scheduled on 01.07.2024; and would now need to be



rescheduled. In that status report it was also verified that the petitioner's wife resides alone at the petitioner's address, though her parents reside at a short distance away.

4. At the last hearing it is noticed however that SCRB Report dated 17.06.2024 showed the petitioner's involvement in other cases; and in particular, it showed that the petitioner was involved in a case *vide* FIR No. 86/2023 registered at P.S. : Moti Nagar *inter-alia* under section 498-A of the Indian Penal Code, 1860 ('IPC'). By reason thereof, *vide* order dated 01.07.2024, the investigating officer was directed to verify the status of all pending cases against the petitioner; and in particular, to verify if there was any case pending against the petitioner under section 498-A IPC, which concerns the wife, on whose medical grounds interim bail was being sought.
5. Mr. Utkarsh, learned APP appearing for the State has handed-up status report dated 04.07.2024 in that behalf, which records that contrary to what was reflected in SCRB Report dated 17.06.2024, it has been verified from P.S.: Moti Nagar, that the persons accused in FIR No. 86/2023 registered *inter-alia* under section 498-A IPC shown in the SCRB report are different; and the petitioner has no concern with that case.
6. Let status report dated 04.07.2024 be filed on record.
7. Nominal roll dated 03.07.2024 shows that the petitioner has been in custody for about 5½ months and that his overall jail conduct has been 'satisfactory', including in the last 01 year.
8. Accordingly, considering the facts and circumstances of the case, this court is inclined to grant to the petitioner *interim bail* for a period of



04 weeks from the date of his release, subject to the following conditions :

- 8.1. The petitioner shall furnish a personal bond in the sum of Rs.25,000/- (Rs. Twenty-five Thousand Only) with 01 surety in the like amount from his wife, to the satisfaction of the Jail Superintendent;
- 8.2. The petitioner shall not leave the State of Delhi without permission of the court and shall *ordinarily* reside at the address as per prison records;
- 8.3. The petitioner shall present himself before the Investigating Officer/S.H.O, P.S.: Keshav Puram every Thursday between 11 am and 11:30 am to mark his presence. However, he will not be kept waiting longer than an hour for this purpose;
- 8.4. The petitioner shall furnish to the Investigating Officer/S.H.O P.S.: Keshav Puram 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;
- 8.5. If the petitioner has a passport, he shall surrender the same to the Jail Superintendent and shall not travel out of the country without prior permission of this court;
- 8.6. 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.



- 8.7. Upon expiry of the period of interim bail, the petitioner shall surrender before the Jail Superintendent.
9. The petition is accordingly disposed-of in the above terms.
10. Pending applications, if any, also stand disposed of.

ANUP JAIRAM BHAMBHANI, J

JULY 5, 2024
V.Rawat