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

+ **BAIL APPLN. 4290/2023**

RAKESH @ SUNNY @ SANJAY Petitioner

Through: Mr. Naveen Gaur & Mr. Neeraj
Gehlaut, Advocates.

versus

STATE NCT OF DELHI Respondent

Through: Mr. Amit Ahlawat, APP for the State
with SI Ranjana, P.S. Subzi Mandi.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **06.02.2024**

1. The present application under Section 439 of the CrPC seeks interim bail for a period of 30 days in case FIR No. 303/2014 under Sections 302/307/34/120B of the IPC and Sections 25/27 of the Arms Act, registered at PS Subzi Mandi.
2. Learned counsel for the applicant submits that the latter seeks interim bail on the ground of his father's surgery. Attention of this Court is drawn to order dated 02.02.2024 passed by a coordinate bench of this Court in BAIL APPLN. 4291/2023, wherein the applicant has been granted interim bail for a period of one month, from 05.02.2024 to 05.03.2024, in case FIR No. 491/2015 registered at PS Subzi Mandi. The said order records as under:

“2. Learned Counsel for the applicant submits that applicant's father who is aged about 67 years has to undergo a surgery for spine decompression with discectomy as early as possible and the date for



the surgery is fixed for 10.02.2024. It is submitted that the applicant was granted interim bail earlier vide order dated 10.07.2018 for a period of five days and during the said interim bail period, the applicant has not misused the liberty of bail granted to him. The applicant had surrendered on time after expiry of the term of interim bail. It is further submitted that the applicant has to arrange money for his father's surgery and that he be released on interim bail for a period of one month.

4. Having gone through the contents of application and having heard arguments addressed by both the parties, and considering the fact that the applicant's father has to undergo surgery for Spine decompression with discectomy on 10.02.2024 at Aadhya 9, Multispeciality Hospital, West Patel Nagar, Delhi, factum of which has been verified by the State as per the status report dated on 22.01.2024, and also taking into account the fact that applicant has earlier remained on interim bail and has not misused the liberty of interim bail so granted, this Court is inclined to grant interim bail to the applicant for a period of one month from date of his release."

3. The present application has been filed seeking interim bail on similar grounds as in the aforesaid application. In totality of the facts and circumstances of the case, the present application is allowed. On the applicant furnishing a bail bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the Trial Court/Successor Court/Link Court/Duty Judge concerned, the applicant shall be released on interim bail from the date of his release upto 05.03.2024, on the following terms and conditions:

- i. The applicant shall remain available on mobile numbers; shared by him with the Police.
- ii. The applicant shall not directly or indirectly make an attempt to influence the witnesses or tamper with the evidence in any manner.



- iii. The applicant shall duly surrender before the concerned Superintendent Jail after the expiry of interim bail.
4. Needless to state, nothing stated hereinabove is an opinion on the merits of the case.
5. The application is allowed and disposed of.
6. Pending applications, if any, also stand disposed of.
7. It is clarified that no further extension of interim bail shall be granted to the present applicant.
8. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
9. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

FEBRUARY 6, 2024/bsr