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

+ **BAIL APPLN. 3127/2024, CRL.M.A. 26196/2024**

BASANT

.....Petitioner

Through: Mr. Satnarain Sharma, Mr. Anuj Kumar, Ms. Aditi Trivedi, Ms. Saumitra Saxena and Mr. Rishabh Kapoor, Advocates Advocate.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, Ld. APP for State with SI Priyanka, P.S. Alipur.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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02.09.2024

CRL.M.A. 26195/2024 (Seeking Exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

BAIL APPLN. 3127/2024

3. A Bail Application under Section 439 Cr.P.C/483 BNSS has been filed on behalf of the petitioner for grant of Interim Bail in case FIR No.02/2024 under Section 306/498-A IPC registered at Police Station Alipur.
4. It is submitted in the application that the petitioner has been falsely implicated in this case. His mother who is a senior citizen, is suffering from



Typhoid and her medical papers have been annexed herewith. His interim bail application has been dismissed by learned ASJ vide Order dated 21.05.2024.

5. The Interim Bail for 45 days is sought on the ground that he has two minor children aged 4 and 6 years who are being looked after by his aged mother. His mother is now suffering from Typhoid and advised complete bed rest for three weeks and he is the only person to take care of her, but none is present who can either take care of the mother or the minor children. On humanitarian grounds, interim bail of 45 days is sought.

6. The bail is opposed on behalf of the State.

7. **Submissions heard.**

8. The allegations against the petitioner are under Section 498-A/306 IPC. The petitioner is in Judicial Custody since 02.01.2024. The mother of the petitioner is old and aging and is suffering from Typhoid. It cannot be overlooked that there are also two minor children aged 4 and 6 years who also require attention, which has become difficult on account of sickness of the mother.

9. In view of the circumstances, the petitioner is granted interim bail for 45 days from the date of his release upon his furnishing a personal bond in the sum of Rs.25,000/- and one surety of the like amount, to be produced before the trial court for acceptance of the bail bond to the satisfaction of the learned Trial Court, and further subject to the following conditions:-

- a) Applicant shall not leave Delhi/NCR without prior permission of the Court;
- b) Applicant shall appear before the Court as and when the matter is taken up for hearing;



- c) Applicant shall provide his mobile number and also the mobile number of his surety to the IO concerned, both of which shall be kept in working condition at all times and he shall not change the mobile numbers without prior intimation to the Investigating Officer concerned;
 - d) Applicant shall inform the IO and the Jail Superintendent the address where he shall be available in Delhi.
 - e) Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses.
 - f) Applicant shall not stay near the complainant and shall not threaten the complainant and the other witnesses in any manner.
10. Upon expiry of period of 45 days, as stated above, the applicant shall surrender before the concerned Jail Superintendent.
11. The Petition is allowed and is accordingly disposed of along with the pending application.

NEENA BANSAL KRISHNA, J

SEPTEMBER 2, 2024/va