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

+ **BAIL APPLN. 4112/2024**

SUNIL MAAN

.....Petitioner

Through: Mr. Sumeet Shokeen, Advocate.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Tarang Srivastava, APP for the
State with Insp. Hitendra Kumar, P.S.
Mangolpuri.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

23.12.2024

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Further to last order dated 18.12.2024, Mr. Tarang Srivastva, learned APP appearing for the State submits, that they have not been able to obtain copies of the chargesheets in two other murder cases in which the petitioner is implicated; and though it is feasible to grant custody bail to the petitioner, that would be at the cost and expenses of the petitioner, which cost would be substantial.

2. On the other hand, pressing for interim bail without custody, Mr. Sumeet Shokeen, learned counsel appearing for the petitioner has drawn attention of this court to the MLCs of the other co-accused persons in the present case, to submit that a perusal of the MLCs would show that *all the other 04 co-accused persons* have sustained scratches and injuries on their forearms and wrists, whereas the petitioner has sustained no injuries whatsoever.
3. He submits that the allegation in the subject FIR is that the 05 co-accused persons, including the petitioner, had strangled 02 other



inmates, who were traveling in the same jail van, with their bare hands and with *gamchas*. He submits that the MLCs are evidence of the fact that the petitioner was not involved in the strangulation of the 02 inmates, else the petitioner would also have sustained at least some bruises or injuries on his arms and hands, which is not the case.

4. He further submits, that the prosecution's attempt to link the petitioner with 'Neeraj Bawania Gang' is completely misplaced and baseless, inasmuch as the petitioner's nominal roll would show, that though he has 01 other criminal involvement in a case under section 302 of the Indian Penal Code, 1860 (as reflected in his nominal roll, in which case he is already on bail), he is not a otherwise a history-sheeter; and, most importantly, *he is not a co-accused in any of the several other cases pending against the other 04 co-accused in the subject FIR, who are claimed to be members of that gang*. Counsel submits that had the petitioner been part of the notorious gang, his name would have figured in at least some of the other FIRs in which the other 04 co-accused are implicated, which is not the case.
5. Mr. Shokeen has handed-up copies of the MLCs referred-to above, which are taken on record.
6. Counsel submits that the petitioner has nothing to do with Neeraj Bawania Gang and he merely happened to be in the same jail van on the fateful day, in which he had no choice.
7. He submits that it be also noted that 04 members of the Neeraj Bawania Gang were being ferried in the same compartment in the jail van, whereas their production warrants specifically say that they were to be placed in different compartments.



8. Upon being queried, Mr. Shokeen submits, that as per his instructions, the first medical problem that the petitioner wishes to attend to is the surgery for his varicose veins, since that is causing him pain and difficulty in walking.
9. In view of what has been observed in the petitioner's medical status report, and since the nominal roll shows that the petitioner has been in judicial custody for more than about 09½ years without any interim bail or other respite having been granted to him in the subject FIR, while giving due consideration to the extreme seriousness of the offences with which the petitioner is charged in the present case, on humanitarian considerations, this court is persuaded to grant to the petitioner – **Sunil Mann @ Jai Sunil Maan s/o Sh. Surat Singh** – *interim bail for a period of 02 weeks* from the date of his release, to attend to his problem of varicose veins, subject to the following conditions :
 - 9.1. The petitioner shall furnish a personal bond in the sum of Rs.1,00,000/- (Rs. One Lac Only) with 03 sureties in the like amount from family members/relatives, to the satisfaction of the learned trial court/Duty Magistrate;
 - 9.2. The petitioner shall not leave the State of Delhi without permission of this court and shall *ordinarily* reside at the address as per prison records/as mentioned in the petition;
 - 9.3. The petitioner shall present himself before the Investigating Officer (I.O.) P.S.: Mangolpuri *every alternate day* between 11 am and 11:30 am to mark his presence *except* on the days when he admitted in hospital for surgery. However, the petitioner will



not be kept waiting longer than an hour for this purpose. Furthermore, on the days that the petitioner is admitted in hospital, the I.O. shall visit him on *every day* to confirm the petitioner's presence in hospital;

- 9.4. The petitioner shall furnish to the I.O. 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;
- 9.5. If the petitioner has a passport, he shall surrender the same to the learned trial court/Duty Magistrate and shall not travel out of the country without prior permission of this court;
- 9.6. 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; and
- 9.7. Upon expiry of the period of interim bail, the petitioner shall surrender before the Jail Superintendent.
10. At the time of his surrender, the petitioner shall furnish to the Jail Superintendent his discharge summary and other relevant medical documents, to evidence the surgery/procedure that he has undergone while on interim bail.
11. Since the present interim bail is being granted solely on the ground of the medical requirements canvassed on behalf of the petitioner, the



petitioner is cautioned against any infraction of the interim bail conditions, failing which serious consequences shall ensue.

12. A copy of this order be sent to the concerned Jail Superintendent *forthwith*.
13. The petition is disposed-of.
14. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

DECEMBER 23, 2024

V.Rawat