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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 1020/2024

A V PREM NATH

.....Petitioner

Through: Mr. Sumit Kumar, Advocate.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms. Manjeet Arya, APP for the State.
Mr. Yoginder Handoo, Special
Counsel with Ms. Bani Dikshit, Mr.
Ashwin Kataria, Ms. Medha Gaur and
Mr. Uddhav Khanna, Advocates.
Inspector Priyanka, Crime Branch,
Sunlight Colony, Delhi.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

20.02.2025

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By way of the present petition filed under section 439 of the Code of Criminal Procedure 1973 ('Cr.P.C.'), the petitioner seeks regular bail in case FIR No. 0171/2023 dated 16.06.2023 registered under sections 417/419/468/471/120-B of the Indian Penal Code, 1860 ('IPC') at P.S.: I.P. Estate, Delhi ('subject FIR')

2. Notice on this petition was issued *vide* order dated 21.03.2024, pursuant to which Status Report dated 02.04.2024 has been filed on behalf of the State in response to the regular bail petition.
3. Nominal Roll dated 28.03.2024 has also been received from the concerned Jail Superintendent.



4. The court has heard Mr. Sumit Kumar, learned counsel appearing on behalf of the petitioner; as well as Mr. Yoginder Handoo, learned special counsel and Ms. Manjeet Arya, learned APP appearing on behalf of the State.
5. Mr. Kumar submits, that the allegations against the petitioner in the subject FIR are completely devoid of merit, and the ingredients of the offences that the petitioner intended to commit impersonation, cheating, forgery or be part of any conspiracy to do so, are not made-out.
6. Counsel submits, that in any case, considering the nature of allegations and the fact that the prosecution case primarily hinges on electronic and documentary evidence, the Investigating Officer does not require the petitioner's custody.
7. Notwithstanding the merits, Mr. Kumar submits, that the petitioner suffers from 100% disability since both his forearms have been amputated; and at present, the petitioner uses prosthetic limbs on both his forearms, which severely limits his mobility and functionality. In support of his submission, learned counsel draws attention to Medical Certificate dated 28.06.1995, a copy of which has been appended to the present bail petition, which certificate recites to the above effect.
8. It is submitted, that even if the petitioner is permitted to use the prosthetic attachments with which he functions within the confines of the jail, that would not detract from the medical fact that the petitioner suffers from a serious functional disability, and would not be able to take care of himself on a day-to-day basis.



9. In this behalf, learned counsel points-out, that the petitioner was granted interim bail *vide* order dated 04.04.2024 passed in the present proceedings, principally on the ground of his disability; and that position remains as-is.
10. The record shows that the petitioner's interim bail has been extended from time-to-time; and he continues to remain on interim bail as of date.
11. Opposing the grant of regular bail, Mr. Handoo has strenuously argued, that considering what has come through in the investigation as stated in the chargesheet, the petitioner has exercised deception in the past, including by using fake e-mail IDs and sending e-mails to governmental officials.
12. Mr. Handoo submits that the petitioner is a highly educated person; well versed in the ways of the world; and is a person, who would influence witnesses and tamper with evidence, thereby prejudicing the trial which he is to face.
13. Rebutting the submission made on behalf of State, Mr. Kumar submits, that the apprehensions expressed on behalf of the State are based purely on conjecture; and it is important to note, that chargesheet in the matter has already been filed way back on 06.05.2024 and cognizance of the offences has already been taken by the learned trial court *vide* order dated 15.07.2024. Mr. Kumar submits, that throughout this period the petitioner has been on interim bail, which again belies the apprehension expressed by the learned APP that the petitioner would interfere in the course of justice.



14. Though much had been argued by learned counsel appearing on both sides, for purposes of the present bail petition, the considerations that weigh with the court at this stage, are the following :
- 14.1. There is no dispute that the petitioner suffers from 100% disability, since both his forearms have been amputated, which fact stands verified by the medical certificate appended to the bail petition;
- 14.2. It is also not in dispute that petitioner works with prosthetic limbs on both his forearms; and therefore his mobility with the arms is extremely limited, and his fingers are not functional at all; and
- 14.3. The record also shows that the prosecution has cited 47 witnesses in support of their case; but charges are yet to be framed by the learned trial court. It is therefore evident that trial will take a very long time to conclude. Surely, the petitioner cannot be detained in judicial custody throughout this period.
15. Upon a conspectus of the foregoing facts and circumstances, this court is persuaded to allow the present petition and admit the petitioner – **A.V. Prem Nath s/o A. Venkat Rayalu** - to regular bail pending trial, subject to the following conditions :
- 15.1. The petitioner shall furnish a personal bond in the sum of Rs. 1,00,000/- (Rs. One Lac Only) with 02 sureties in the like amount, at least one of whom should be from a family member, to the satisfaction of the learned trial court;
- 15.2. The petitioner shall furnish to the Investigating Officer ('I.O.'), a cellphone 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;

- 15.3. If the petitioner has a passport, he shall surrender the same to the learned trial court and shall not travel out of the country without prior permission of the learned trial court;
- 15.4. 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
- 15.5. Since the petitioner is ordinarily a resident of Andhra Pradesh, but is presently living in Delhi, it is clarified that if there is any change in his residential address/contact details, the petitioner shall promptly inform the I.O. in writing, who will verify the same and bring to the notice of this court any anomaly in that behalf.
16. Since the petitioner is facing trial and is therefore appearing before the learned trial court from time-to-time, it is not considered necessary to impose a reporting requirement as a condition of regular bail.
17. Nothing in this order shall be construed as an expression of opinion on the merits of the pending matter.
18. A copy of this order be sent to the concerned Jail Superintendent *forthwith*, for information and compliance.
19. The petition stands disposed-of in the above terms.



20. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 20, 2025/ak