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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1380/2025**
AMAN KUMAR

.....Petitioner
Through: Mr. Pankaj Srivastav, Adv.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent
Through: Mr. Raghuinder Verma, APP
IO Sachin Panwar, PS Fatehpur
Beri

CORAM:
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER
% **08.04.2025**
CRL.M.A. 10769/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

BAIL APPLN. 1380/2025

3. The present application under Section 483 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) has been filed by the petitioner/applicant, seeking a grant of *interim* Bail for a period of 30 days in FIR No. 356/2024, for offences punishable under Section 310(2)/109(1)/3(5) of the Bharatiya Nyay Sanhita (2023) registered at Police Station Fatehpur Beri.
4. The learned counsel for the petitioner submits that the mother of



the petitioner namely Geeta Devi w/f Laxman Saha, passed away on 29.03.2025 due to *Liver Metastasis* and related complications arising therefrom. On the demise of his mother, the petitioner had filed an application seeking *interim* Bail before the learned Trial Court. Vide the Order dated 29.03.2025, the petitioner was granted custody parole for a period of 3 ½ hours, allowing the petitioner to perform the last rites of his deceased mother in Delhi, as at that time she was admitted in AIIMS Hospital.

5. He submits that as the petitioner is the only male member in the family, as per Hindu Customs and Traditions, the post cremation rites and rituals, including the *Terevhi* of his mother are to be performed, for which he has the sole responsibility. He submits that as the family of the petitioner hails from Village-Murar, District Baxur, Bihar and are permanent residents of Village Murar, therefore, the *Terevhi* is to be conducted at their ancestral home, as per their religious and customary obligations, even though some part of the rituals are to be performed at Bokaro, Jharkhand, where the family of the petitioner is presently residing. He submits that in the prevailing circumstances, the petitioner may be granted *interim* Bail for a period 30 days, so that he is able to perform the post cremation ceremonies of his mother.

6. He further submits that the petitioner undertakes not to influence the witnesses in the event of him being granted bail, and that he shall surrender upon the religious ceremonies having been completed.

7. *Per contra*, not disputing the factum of the death of the mother of the petitioner, Mr. Raghuinder Verma, the learned APP, opposes



the bail application on the ground that the petitioner had absconded after commission of the offence and was arrested from Jharkhand. He also submits that as per the affidavit filed by the *Parokar*, that is, the real sister of the petitioner, the family of the petitioner is at present residing at a different address from where the petitioner was arrested and now a new address has been furnished in the present petition. Moreso, the permanent address of the petitioner from District Baxur, Bihar is yet to be verified, specifically when the different addresses of the petitioner have been provided before this Court.

8. The learned APP submits that a possibility that the present accommodation has been rented by the family of the petitioner in order to secure an *interim* Bail for the petitioner cannot be ruled out and in these circumstances, the *interim* Bail may not be granted to the petitioner at this stage.

9. In view of this objection taken by the learned APP, the Investigating Officer/SI Sachin Panwar, who is present in Court, was asked to telephonically verify the present address of the petitioner from the concerned Police Station in Jharkhand. On the IO making such verifications telephonically, what emerged is that the family of the petitioner had taken the said premises on rent last month. The IO states that he has also spoken to the landlord as well, who has confirmed that the family of the petitioner is residing at the said address.

10. On being queried with respect to the objection raised by the learned APP, the learned counsel for the petitioner, at this stage, files two affidavits of the *Parokar*, wherein the permanent address of the



petitioner has been mentioned as **Village-Murar, Post Office, Murar, Police Station – Murar, District Baxur, Bihar-802127**. In these affidavits, it is also mentioned that the family members of the petitioner including his father and sisters had been residing at their present address at Quarter No. 1/153, Sector 2/A, Head Post Office, Bokaro Steel City, Jharkhand – 827001. Both the affidavits are taken on record.

11. To this, the learned counsel for the petitioner submits that the petitioner is residing at a rented accommodation in Delhi, the address of which has been furnished in the present petition and verified by the IO. He further submits that the mother of the petitioner was admitted in AIIMS hospital in order to undergo medical treatment, however, unfortunately, she passed away during her treatment and her cremation that was done in Delhi.

12. Upon instructions, the learned counsel for the petitioner submits that the family of the petitioner is residing in Bokaro, Jharkhand for the last 30 years in different rented accommodations and their permanent address has also been furnished, therefore, all the addresses of the petitioner are before this Court and nothing has been concealed. Appropriate affidavits have been handed over in Court today and the addresses have been verified by the IO.

13. At this stage, the learned APP, upon instructions, submits that at the time of death of the brother of the petitioner, the IO had verified the permanent address of the petitioner that is District Baxur, Bihar.

14. The learned counsel for the petitioner submits that as the *Terevhi* ceremony of his late mother has to be performed on



13.04.2025 at his native place in **Village-Murar, Post Office, Murar, Police Station – Murar, District Baxur, Bihar-802127**, therefore, he be granted *interim* Bail to perform the rituals at the aforementioned address.

15. In view of the submissions made herein above, the objection taken by the learned APP does not survive as it has specifically been stated by the learned counsel for the petitioner that the *Terevhi* ceremony of the late mother of the petitioner has to be performed at in **Village-Murar, Post Office, Murar, Police Station – Murar, District Baxur, Bihar-802127**.

16. Taking into consideration the above, as well as the totality of facts and circumstances of the present case, the petitioner is granted *interim* Bail for a period of two weeks from today on furnishing a personal bond in the sum of ₹30,000/- with one local surety (in Delhi) of the like amount, subject to the satisfaction of the Trial Court/ CMM/ Duty Magistrate, further subject to the following conditions:

- a. The petitioner will not leave the country without prior permission of the Court.
- b. The petitioner shall intimate the Trial Court by way of an affidavit and to the IO regarding any change in residential address.
- c. The petitioner shall provide all mobile numbers to the IO concerned, which shall be kept in working condition at all times and that he shall not switch off or change the mobile number without prior intimation to the IO concerned.
- d. The petitioner will mark presence physically before the local Police Station in Village Murar, Police Station Murar, District Baxur,



Bihar everyday anytime between 4 PM to 6 PM, and will be not kept waiting for more than an hour.

- e. The petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the complainant/victim or any member of the complainant/victim's family or tamper with the evidence of the case.
- f. The petitioner shall surrender before the concerned Jail Superintendent, Delhi on 22.04.2025 at 4 PM.

17. Needless to state, any observation touching the merits of the case are purely for the purposes of deciding the question of *interim* Bail and shall not be construed as an expression on merits of the matter.

18. Copy of this Order be sent to the concerned Jail Superintendent, as also the SHO, Police Station – Murar, District Baxur, Bihar-802127 for information and necessary compliance.

19. Accordingly, the application is disposed of.

SHALINDER KAUR, J

APRIL 8, 2025
SU/FRK

Click here to check corrigendum, if any