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

+ **BAIL APPLN. 4649/2024**

AKSHAY @ GOLU

.....Petitioner

Through: Mr. Satish K. Sansi, Adv.
versus

THE STATE GOVT. OF NCT DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for the State.
Insp. Chetan Singh, PS Khayal Delhi.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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31.01.2025

1. This hearing has been done through hybrid mode.
2. The present application under Section 439 of the Cr.P.C. seeks the following prayers:

“(i) Grant interim bail in case FIR No.0007/2021 U/s 302/147/145/149/ 34 IPC PS. Khyala, Delhi for the period of 30 days, in the interest of justice.

(ii) Pass any other or further order /direction as this Hon'ble court may deem fit and proper in the facts and circumstances of the case.”

3. The applicant was granted interim bail by this Court *vide* order dated 14.01.2025 by observing as under: -

“2. The present application under Section 483 of the BNSS read with Section 439 of the CrPC has been filed seeking interim bail in FIR No. 7/2021, under Sections 302/147/145/149/34 of the IPC, registered at P.S. Khyala, on the ground of applicant's father's surgery to be performed on 15/16.01.2025.

3. The notice was issued on the present application on 18.12.2024 and status report dated 09.01.2025 has been placed on record, wherein, it has been recorded that the documents annexed with the present application with regard to the surgery of the applicant's



father have been verified. It is further recorded therein that the surgery was scheduled for 22.12.2024. It is pertinent to note that, thereafter, a subsequent endorsement was made by the said doctor which reflects that the surgery was scheduled for 15/16.01.2025 for which the applicant's father has to be admitted in the hospital on 15.01.2025. The said endorsement has not been placed before the doctor for necessary verification.

4. Be that as it may, in view of the facts that the documents annexed with the present application and the first endorsement made by the doctor have been verified, the present applicant is directed to be released on interim bail till the next date of hearing, on his furnishing a personal bond of Rs. 25,000/- with one surety of like amount, to the satisfaction of the learned Trial Court/Link Court, further subject to following conditions: -

- i. The applicant shall not leave India without prior permission of the learned Trial Court.
 - ii. The applicant shall intimate the learned Trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
 - iii. The applicant shall appear before the learned Trial Court as and when the matter is taken up for hearing.
 - iv. The applicant is directed to give his mobile number to the Investigating Officer and keep it operational at all times.
 - v. The applicant shall not, directly or indirectly, tamper with evidence or try to influence the witness in any manner.
5. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
6. In the meantime, let the factum of surgery be verified from the concerned doctor and a status report regarding the same be filed before the next date of hearing.
7. List on 31.01.2025.
8. Order be uploaded on the website of this court forthwith.”

4. Today a status report dated 30.01.2025 authored by Insp. Vinod Kumar, SHO PS Khyala, New Delhi, has been handed up in Court and the same is taken on record. In the said report, it has been recorded that on verification, it was revealed that no surgery of the father of the applicant has taken place.

5. In view of the above, the application is dismissed.



6. The applicant is directed to surrender *forthwith* before the concerned Jail Superintendent.
7. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
8. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

JANUARY 31, 2025/kr

Click here to check corrigendum, if any