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

+ **BAIL APPLN. 4799/2024**

DAYA KISHAN CHAUHAN

.....Applicant

Through: Mr. Soban Singh Rawat, Ms. Pooja,
Mr. Himanshu Rathi, Mr. Jagdeep
Singh, Mr. Amar Ninania, Advocates

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Laksh Khanna, APP for the State
with S.I. Yashpal Singh, P.S. Farsh
Bazar

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

07.01.2025

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1. The present application is filed under Section 439 of the Code of Criminal Procedure, 1973,¹ seeking grant of interim bail for a period of one month in FIR No. 0242/2024 dated 27th April, 2024 registered at Police Station Farsh Bazar under Sections 419/420/506 of Bhartiya Nyaya Sanhita, 2023, wherein the Applicant has been named as the accused.
2. Chargesheet has already been filed in respect of the aforementioned FIR on 06th August, 2024. The case is presently at the stage of prosecution evidence before the Trial Court.
3. It is noted that the Applicant was previously granted bail by the Court of Additional Sessions Judge, Karkardooma Courts, Delhi *vide* order dated

¹ "CrPC"



29th August, 2024. The bail was granted subject to the condition of depositing INR 5,00,000/- in the name of the Trial Court.

4. Owing to financial constraints, the Applicant was unable to make the necessary deposit, thereby preventing him from furnishing the bail bond. As a result, the Applicant continues to remain in the custody.

5. Thereafter, the Applicant filed an application under Section 439 of the CrPC, seeking interim bail on the grounds that his wife was pregnant and her delivery date was imminent. However, the Additional Sessions Judge, by order dated 16th November 2024, rejected the said request.

6. Subsequent to the aforementioned order, a significant development has transpired: the Applicant has been blessed with a child. In view of the same, the Applicant now seeks interim bail for a period of one month, to meet his spouse as well as to see his baby.

7. On the other hand, Mr. Laksh Khanna, APP for the State, strongly opposes the application. However, he has affirmed the fact that the Applicant's spouse has delivered a baby girl.

8. In view of the foregoing, and considering that bail has already been granted to the Applicant, subject to the unfulfilled condition of deposit, the Court is inclined to grant the Applicant's request for interim bail.

9. In view of the above, the present application is allowed and the Applicant is directed to be released on interim bail for a period of three weeks, on furnishing a bail bond for a sum of INR 25,000/- with one surety of the like amount, subject to the satisfaction of the concerned Trial Court on the following conditions:

(a) The Applicant shall surrender before the concerned Trial Court, on or before the expiry of three weeks from the date of release;



- (b) The Applicant shall, under no circumstance, leave the NCT of Delhi, without permission of the Trial Court, during the period of his release on interim bail;
 - (c) The Applicant shall, during the period of his release, provide the address where he would be residing, and shall not change the address without informing the concerned IO/ SHO;
 - (d) The Applicant, during the period of his release, shall surrender his passport, if any, before the concerned Trial Court, and shall under no circumstances, leave the country without the permission of this Court;
 - (e) The Applicant shall appear before the learned Trial Court as and when directed;
 - (f) The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
 - (g) The Applicant shall not commit any offence during the period of his release on interim bail.
10. With the above directions, the present application is disposed of.

SANJEEV NARULA, J

JANUARY 7, 2025/ab