



CNR No. DLCT01-006841-2019

IA No. 06/2023

SC No. 462/2019

State Vs. Ashu @ Atta and Ors.

FIR No. 210/2018

PS Prashad Nagar

U/s. 302/34 IPC

INTERIM BAIL APPLICATION OF APPLICANT AMAR
@ KANHA SON OF SH. RAJPAL

08th December, 2023

Present: Sh. Robin Singh, Ld. Addl. PP for State.
Sh. Vineet Jain, ld. Counsel for
applicant/accused Amar @ Kanha.
IO SI Omkar Mal in person.

1. Reply filed. Arguments heard.
2. This is an application u/s. 439 Cr. P.C. for grant of interim bail filed on behalf of the applicant/accused Amar @ Kanha (hereinafter referred to as an applicant).
3. It is argued on behalf of the applicant that he is in custody since. It is further argued that the daughter namely Ms. Jannat of the applicant is suffering from severe health issues i.e. suffering from seizures, break asphyxia and the daughter of the applicant is required immediate treatment of her health issues, which is danger to her life and the doctor gave a long date to conduct ECG and MRI brain and in these circumstances, the presence of applicant is required for better treatment of his daughter for some other private hospital, which cannot be done by his wife alone in

his absence. It is prayed that the applicant be released on bail.

4. The application is opposed by the Ld. Addl. PP for State. It is submitted that the allegations against the applicant are serious in nature. It is prayed that the bail application of the applicant be dismissed.
5. IO has duly verified the facts mentioned by the applicant in his interim bail application and the same are found to be correct.
6. Record reveals that the applicant was released on interim bail for a period of 15 days vide order dated 04.02.2021 by the Hon'ble High Court of Delhi taking into account the ailment of the child of the applicant. The said interim bail was further extended till 15.03.2021 vide order dated 02.03.2021 of the Hon'ble High Court of Delhi. It was further extended till 22.04.2021 vide order dated 15.03.2021 of the Hon'ble High Court of Delhi. Thereafter, in view of the orders dated 20.04.2021 passed by the Full Bench in WP(C). 4921/2021 in case titled as Court on its Motion vs. State (Govt. of NCT of Delhi) wherein it was observed that interim orders subsisting on 19.04.2021 shall automatically extended till 16.07.2021, the Hon'ble High Court of Delhi extended the interim bail of the present applicant till 16.07.2021 vide order dated 07.07.2021.
7. Thereafter, the applicant enjoyed the extension of interim bail according to HPC guidelines and after the expiry of

the interim bail period, he did not surrender and finally, he was taken into custody vide dated 16.05.2023 of this Court. It is apparent that the applicant was released for a small period of 15 days on interim bail vide order 04.02.2021 which the applicant availed till the time, he was taken into custody on 16.05.2023. He did not surrender himself after the expiry of interim bail period and thus, flouted the interim bail conditions.

8. The applicant has been charged for the offence u/s. 302/34 IPC which in itself is a grave offence and entails maximum sentence of capital punishment. The present application for interim bail has been sought on the ground that the daughter of the applicant is under medical surveillance and there is no one else to look after his ailing daughter and other three minor children and his wife. Though, the IO has confirmed the treatment documents which are found to be genuine but there is no opinion regarding the requirement of the applicant for the treatment of his daughter.
9. Considering the overall circumstances, this Court is not inclined to grant interim bail to the applicant.
10. The application of the applicant Amar @ Kanha for grant of interim bail is hereby dismissed.
11. Copy of this order be given dasti to the Id. Counsel for the applicant.
12. A hard as well as soft copy of this order be also sent to the

concerned Jail Superintendent for information and necessary action.

(SUSHIL ANUJ TYAGI)
ASJ-04/Central/Delhi
08.12.2023_(VR)