

SC No. 11/2020

State Vs. John Arun Peter

FIR No. 111/19

PS : Chankyapuri

(Proceedings through Video Conferencing)

04.06.2021

Present : Sh. Irfan Ahmed, Ld. Addl. PP for State.
Accused on interim bail through video-conferencing.
Sh. Vikas Arora, Ld. Counsel for accused.

Initially, the accused was admitted to interim bail on 21.09.2020 to enable him to look after his ailing mother and same was extended from time to time till 10.03.2021. Thereafter, an application dated 08.03.2021 under Section 439 Cr.PC was moved for grant of regular bail. This application for regular bail was taken up on 10.03.2021 and on that date, the interim bail granted to the accused was further extended till 30.03.2021 on the same terms and conditions as contained in order dated 21.09.2020. The matter was again taken up on 30.03.2021 and on that date, the interim bail was further extended till 20.04.2021, however, in the meantime, by virtue of order dated 19.04.2021 of Hon'ble High Court, the cases were adjourned *en bloc* and interim bail was extended till 20.05.2021 and further up to 04.06.2021. The accused remained on interim bail on the conditions as contained in initial interim bail order dated 21.09.2020 and 30.03.2021.

It is pertinent to mention here that vide order dated 30.03.2021, the condition imposed upon the accused for marking his presence every alternative day with the IO/Duty Officer was modified to the extent that accused shall file an affidavit on record giving his mobile phone number, which he shall be retaining during the said period. The accused was further directed to keep his location on and shall also be sharing his location every alternative day with the IO. The condition was modified as the accused had to go to Tamil Nadu for attending the marriage of his sister. It is informed that now the accused is back to Delhi and is residing at the same address as given in the bail bond.

Ld. Addl. PP for the State has not brought anything to the notice of the court to the effect that accused has flouted any conditions of the interim bail.

An application for regular bail is pending disposal. It is a matter of fact that the case of the accused does not fall within the criteria for interim bail as laid down by the Hon'ble High Powered Committee.

Ld. Counsel for the accused has submitted that he is ready to argue the bail application on merits. It has been submitted that FSL report in this case has not been filed and in the absence of FSL report, the trial shall not

move ahead and there would be no purpose of cancellation of interim bail and taking the accused into custody. It has been further submitted that superior courts have also been repeatedly passing orders to decongest the jails.

Ld. Addl. PP for the State submits that FSL report in this case has not been filed, he however submits that he is appearing virtually and does not have the file and assistance of the IO. He further submits that adjournment may be given so that he may have the file and the assistance of the IO for enabling him to advance arguments on merits.

Let matter be fixed for arguments on bail application on merits on **05.07.2021**.

Let IO be called on that date. IO is also directed to ensure that FSL report is filed on or before the next date of hearing.

In the meantime, the interim bail granted to the accused is extended to the same terms and conditions as contained in orders dated 21.09.2020 and 30.03.2021.

(Dinesh Kumar Sharma)
Principal District & Sessions Judge
New Delhi/04.06.2021