

IA. 05/2022 in SC No. 186/22
FIR No. 602/21
P.S.- Bhalswa Dairy
U/s 395/412/34 IPC & 25/27/54/59 Arms Act
State Vs. Deepak @ Dara and Ors.

16.11.2022

This is an application under Section 439 Cr.P.C for extension of interim bail on the ground that the mother of the applicant/accused has expired moved on behalf of the applicant/accused Rahul.

Present: Mr. Harvinder Nar, Ld. Additional PP for the State.
Mr. Sanjay Rana, Ld. Counsel for the applicant/accused.

Reply already filed by IO.

1. Ld. Counsel for applicant/accused submitted that mother of the applicant/accused has expired and it is submitted that applicant being son has to perform rituals. It is submitted that applicant/accused has already been enlarged on interim bail vide orders dated 02.11.2022 and has not flouted any terms and conditions. It is prayed that a lenient view be taken.

2. Ld. Addl. PP for the State has strongly opposed the bail application stating that applicant/accused should not be granted bail owing to the gravity of the offence and the active role played by the applicant in the commission of the crime.

3. I have heard the submissions made by the Ld. Addl. PP for the State and Ld. counsel for the applicant/accused.

4. Verification report has been sought from the IO. The factum of death of the mother of the applicant/accused stands verified and it is reported

that Smt. Rajo Devi/mother of the applicant/accused has expired on 04.11.2022 and the cremation had taken place on 05.11.2022 at Mukundpur, Delhi. It is prayed by the Ld. Counsel that applicant/accused being one of the son, his presence is required in the last rituals to attend his family members.

In view of the aforesaid, without going into merits of the case, taking a lenient view, **interim bail of applicant/accused Rahul is further extended for a period of 30 days from today on furnishing of bail bond for a sum of Rs. 20,000/- with one surety of the like amount, to the satisfaction of the Court/Duty MM/Area MM** but subject to the following conditions:

- (a) The applicant/accused shall not try to contact or influence the witnesses in any manner, directly or indirectly.
- (b) The accused shall not indulge into similar offence in the event of release on bail.
- (c) The accused shall not tamper with the evidence.
- (d) The accused shall provide his mobile number to the concerned SHO, on which he may be contacted, if required as per law and shall ensure that the said number be kept active and switched on all the time.
- (e) The accused shall surrender himself before the concerned Jail Authorities after expiry the period of interim bail.

Application is disposed off accordingly.

5. ***It is clarified that nothing stated herein shall tantamount to an expression of opinion on the merits of the case.***

6. Copy of the order be given *dasti* to the Ld. Counsel for the applicant/accused as well as be sent to concerned IO, concerned Jail Superintendent, Ld. Secretary, DLSA (North), through all possible modes, as per rules, by the court staff.

(Shefali Sharma)
ASJ-02/North District
Rohini Courts/Delhi/16.11.2022