

CNR No. : DLNT01-006875-2021
SC No. : 436/2021
FIR No. : 218/2021
PS : Model Town (Crime Branch)
State v. Sushil Kumar & Ors.
u/s 302/307/308/364/365/452/323/342/188/269/
147/148/149/506(II)/392/394/397/411/
201/109/120B/348/174-A IPC &
25(1)(B) & 27(1) Arms Act, 1959

16.01.2023

File taken up today as an application u/s 439 Cr.P.C. for grant of interim bail for a period of at least three weeks has been moved on behalf of applicant/accused **Bijender**.

Present: Sh. Vineet Dahiya, ld. Substitute Addl. PP for the State.
Sh. Shri Kant Sharma alongwith Sh. Joginder Tuli and Alok Kumar, ld. counsel for the complainant (father of deceased).
Sh. Abhimanyu Singh (appeared through VC) and Sh. Sumit Shokeen, ld. counsels for the applicant/accused.

Reply to the application has been filed.

It is submitted by ld. counsel that the applicant/accused is a retired Indian Army personnel. He has further submitted that the wife of the applicant/accused is suffering from kidney stone and she was advised to get admitted in the RJ Super Specialty Hospital, Bahadurgarh, Haryana on 17.01.2023 for surgery which is scheduled for 18.01.2023 (Relevant medical documents are annexed with the application). Ld. counsel further submitted that certain medical tests are required before surgery. Ld. counsel for the applicant/accused has further submitted that the applicant has a son aged about 19 years ago but being a male child would not be in a position to take care of her mother and the daughter of the applicant is already married. He has further submitted that applicant/accused is the only person who can

take care of his wife during her pre-surgery and post surgery care. He has further submitted that investigation qua him is already complete and no prejudice would be caused to complainant in case the present application is allowed. Hence, he has prayed for grant of bail on humanitarian ground.

On the other hand, Id. Substitute Addl. PP for the State has opposed the bail application on the ground that the offence is heinous in nature. He has further submitted that applicant/accused is having a son aged about 19 years ago who is capable of taking care of her mother and there are other family members who can take care of her. He has further submitted that medical documents of the wife of the applicant/accused have been got verified and doctor has not stated that post operation she would be dependent on other and require complete rest. Hence, presence of applicant/accused is not necessary and has prayed for dismissal of the same.

Heard.

Keeping in view the overall facts and circumstances and the medical condition of the wife of the applicant/accused and the fact that the presence of applicant/accused is required during surgery to look after her, on humanitarian ground, **applicant/accused is ordered to be released on interim bail for two days i.e. 18.01.2023 and 19.01.2023 on his furnishing personal bond in the sum of Rs. 50,000/- with one surety in the like amount. Applicant/accused is directed to surrender before the concerned Jail Superintendent after expiry of interim bail period i.e. on 20.01.2023. Keeping in view the threat perception of the witnesses and also considering the safety and security of the accused himself at least two security personnel shall be present with him round the clock. The entire expenditure of deployment of security persons/policemen for**

keeping surveillance and security of the applicant/accused shall be borne by the family members of the applicant and the amount of Rs.10,000/- (Ten Thousand only) per day be deposited with the Jail Superintendent concerned in advance. He is further directed not to threaten the prosecution witnesses or tamper with evidence or indulge in any such crime. The applicant/accused shall share his phone's live location as and when required by the IO. In case, it is prima facie brought to the notice of the Court that the applicant/accused is violating the said conditions, the interim bail granted to him shall be liable to be cancelled. The bail application is disposed of accordingly.

The same be tagged with the main file.

Copy of the order be sent to the concerned Jail Superintendent for information and compliance.

(Shivaji Anand)

Addl. Sessions Judge: 04 (North)

Rohini Courts: Delhi:16.01.2023^(R)