

SC 744/2022
STATE Vs. ASHISH @ ASHU ETC. (2)
FIR No. 186 /2022
PS Bawana
U/s. 302/201/34 IPC & U/s. 25/27 Arms Act.

21.08.2023

File taken up today on an application U/s. 439 Cr. P. C for grant of interim bail moved on behalf of applicant/accused **Ashish @ Ashu.**

Present: Sh. Pankaj Kumar Ranga, Ld. Addl. PP for the State.
Sh. C. M. Sangwan, Ld. counsel for applicant/accused.
SI Rahul in person.

Reply to the above said application has been received from the IO. Same is taken on record.

Ld. counsel for applicant/accused submitted that applicant/accused is in JC since 06.05.2022 and he has been falsely implicated in the present case. It is further submitted that wife of applicant is suffering from several health ailments and her health is very critical and deteriorating day by day. It is further submitted that doctors had advised to wife of applicant/accused to get admitted in the Chawla Nursing Home on 25.08.2023 and also advised for the surgery of the same. It is further submitted that no one in the family of the applicant/accused who could look after her in such crucial and demanding time and also there is need to arrange money for the operation of the applicant's wife. It is further submitted that applicant/accused is sole earning member of his family and there is no one in his family who could look after her in such time and also who could arrange money for the treatment and surgery of his wife. It is further submitted that he has filed the medical documents alongwith the application. It is prayed that the above said application may kindly

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be allowed.

On the other hand, Ld. Additional PP for State strongly opposed the bail application and submitted that allegations against the applicant/accused are serious in nature. It is further submitted that vide order dated 24.07.2023 this Court has already dismissed the bail application of applicant/accused and within one month applicant/accused has filed the interim bail application, every time applicant/accused has taken a new plea. It is prayed that the above said application may kindly be dismissed.

Heard.

This court has given thoughtful consideration to the submissions made by Ld. counsel for applicant/accused and Ld. Additional PP for State and has also perused the record placed before the same.

As per the reply filed by the IO, it shows that he has verified the medical documents of applicant/accused and surgery of wife of applicant/accused is scheduled for 25.08.2023. Further, IO has also recorded the statement of local persons, they stated that father of applicant/accused alongwith other family members are living on the ground floor of the same house in which wife of applicant/accused is residing with the grand mother of applicant/accused at first floor.

At this stage, attention of this Court has been drawn to order dated 31.05.2023, whereby interim bail of applicant/accused moved on behalf of applicant/accused on similar ground was dismissed by this Court and it is submitted that presence of applicant/accused is required at the time of surgery of his wife as no one in the family of

applicant/accused is able to take care of wife of applicant/accused Ashish @ Ashu, who surgery has been scheduled for 25.08.2023.

Keeping in view of the fact that earlier an application on similar ground was dismissed but the surgery of wife of applicant/accused could not be conducted therefore, on humanitarian ground the **interim bail is granted to applicant/accused Ashish @ Ashu for a period of one week (w.e.f 24.08.2023 to 31.08.2023) on furnishing his personal bond in the sum of Rs. 30,000/- with two sureties in the like amount.** However, he is directed to surrender before the concerned Jail Superintendent after the expiry of interim bail. 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 canceled . The interim bail application is disposed off accordingly. Interim bail application file be tagged with the main case file. **Copy of the order be sent to concerned Jail Superintendent. Copy of this order be given dasti.**

(Sushil Kumar)

Addl. Sessions Judge- 04

North District Rohini Courts Delhi

21.08.2023