

SC No.441/24
State Vs. Kishan Gupta
FIR No.167/24
PS : Raj Nagar
U/s.302/201/342/34 IPC

08.11.2024

Present: Sh. Girish Giri, Ld. Addl. PP for State.
Sh. Kapil Dev and Sh. Sagar, Ld. Counsels for the
applicant / accused.

1. **This application U/s.483 of BNSS 2023 has been moved seeking interim bail of applicant / accused Kishan Gupta.**
2. Ld. Counsel has submitted that no such application is pending before any other Court.
3. Report filed.
4. Present application has been moved on the ground that wife of the applicant has recently delivered a baby, who is premature and therefore, she (wife of applicant) is suffering from post-delivery side effects and other health issues. Hence, prayed for grant of interim bail of the applicant for a period of three months, so that he may take care of his ailing wife.
5. Ld. Addl. PP for the State has strongly opposed the present application, stating that delivery of wife of the applicant has already taken place and, therefore, presence of applicant is no more required. Further, trial of the matter is at initial stage and if released on bail, possibility of exercising influence or threatening the witnesses cannot be ruled out. Hence, prayed for dismissal of the present application.
6. Submissions heard. Record perused.
7. In case titled in case titled as *Athar Pervez Vs. State NCT of*

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Delhi, Hon'ble High Court of Delhi has laid down that court should resort to release an accused on interim bail only in the situations of extreme grief and exigencies. This mechanism of temporary release has to be adopted in exceptional circumstances.

8. Here in this case, there is no such exigency. The applicant has sought interim bail to take care his ailing wife. In the considered opinion of this Court, the ground mentioned to seek interim bail is not justifiable as other family members of the applicant are available in his house to take care his ailing wife. Further, the trial of matter is at initial stage and release of the applicant / accused can provide him an opportunity to influence witnesses. Accordingly, **the present application stands dismissed.**
9. It is clarified that observations made hereinabove shall not have any bearing on merits of case in any manner.
10. Application stands disposed of accordingly.

BABRU BHAN
ADDL.SESIONS JUDGE-03,
NORTH WEST DISTT.
ROHINI COURTS
DELHI/08.11.2024