

SC No. 120/2023, IA No. 04/2025
State Vs. Amaan Khan & Ors.
FIR No. 715/2022
PS: Jafarabad
U/s 302/201/120B/34 IPC

11.02.2025

File taken up today on an application seeking interim bail for a period of four weeks moved on behalf of applicant/accused Asad @ Totla.

Present: Sh. S.K. Dubey, Ld. Addl. PP for the State.
Sh. Akshay Bhandari, Ld. Counsel for the applicant/accused through VC and Ms. Megha Saroha, Ld. Counsel physically present in court.
Inspector Yogender in person and IO/Inspector Shailender is present through VC.

1. Ld. Counsel for the applicant/accused has submitted that the mother of the applicant/accused is on death bed since she is suffering from advanced stage of Cancer; that the applicant/accused wishes to spend some time with his ailing mother.

2. Report from IO received on record. Perusal of report reveals that all the medical documents pertaining to the ailment of mother of applicant/accused namely Sana were sent to GTB Hospital for verification and as per the report of the GTB Hospital, the documents are genuine and verified from the concerned hospital.

3. It is submitted by IO that the co-associate of applicant/accused whose name is Almas Khan @ Allu is the member of Chenu Pehalwan Gang and the accused/ applicant can threaten,

influence or harm the witnesses of the case; further, there is every likelihood of applicant/ accused absconding the bail since he has many previous involvements.

4. Ld. Addl. P.P for the State has vehemently opposed the interim bail application of the accused/ applicant Asad @ Totla while submitting that the allegations against the applicant/ accused are quite serious in nature; that the applicant/accused is a habitual offender and further, his main co-associate is also an active member of Chenu gang, therefore, there is every apprehension that if applicant/accused is enlarged on interim bail, he may commit similar offences as well as the applicant/accused is a complete flight risk.

5. It is further submitted by Ld. Addl. PP that though the medical documents of mother of the applicant/accused have been verified to the extent that she is having Carcinoma in Left breast, however, it is not the case that the mother of the applicant/accused is on death bed in the Hospital. Ld. Addl. PP has further submitted that on the last to last date of hearing, Ld. Counsel for the applicant/accused has submitted before this court that the mother of the applicant/accused is admitted in the hospital, however, as a matter of fact, mother of applicant/accused is not admitted in any Hospital and she is at her home.

6. Ld. Addl. PP for the State has further argued that there are other two brothers in the family of the applicant/accused apart from his father who can very well take care of his ailing mother. It is further contended that the applicant/ accused is a habitual offender

being involved in other criminal cases. Moreover, the applicant/accused is also a flight risk and the possibility of accused jumping the bail, cannot be ruled out at this stage.

7. This Court has heard the arguments addressed by Ld. Counsel for the accused/ applicant and Ld. Addl. P.P. for the State and also perused the record.

8. Applicant/accused is stated to be a habitual offender involved in other cases as well including this case under Section 302/120B IPC. It is stated that the mother of the applicant/accused is suffering from Breast Cancer, however, admittedly, now she is at her home. Further, it is stated that applicant/accused is having two brothers and his father who can look after his ailing mother. Accused is also stated to be a flight risk. In these circumstances, no ground for interim bail of the applicant/accused is made out. However, this court is inclined to grant custody parole to the applicant/accused which would also serve the purpose of this application i.e. to meet his ailing mother in this tough time.

9. As per Delhi Police Rules, 2018, custody parole can be granted to accused/applicant. The relevant rule is as below:-

*"1203. "Custody Parole" may be granted to the convict by an order in writing, issued by the Superintendent Prison and to the under trial prisoners by the trial court concerned, for a period of **not more than six hours**, excluding the time taken to reach the destination and return to Prison, in the following eventualities:-*

- i. Death of a family member;*
- ii. Marriage of a family member;*
- iii. Serious illness of a family member or*

iv. Any other emergency circumstances with the approval of DIG (Range) of prisons."

10. In view of the Verification Report regarding illness/serious ailments of mother of the applicant/accused, custody parole for a period of 06 hours each as per rules, is granted to the accused/ applicant for consecutive two days i.e. on 12.02.2025 and 13.02.2025 excluding the time of journey.

11. Concerned Jail Superintendent is directed to make necessary arrangements for taking the accused/applicant Asad @ Totla to his residence and is also directed to ensure that after completion of maximum 06 hours i.e. from 11:00 am to 5:00 pm on both days, accused/ applicant be again lodged in the jail.

12. Copy of this order be given dasti to Ld. Counsel for accused/ applicant and be also sent to the concerned Jail Superintendent, forthwith, through all electronic modes.

13. In view of the above said directions, the present application seeking interim bail of the applicant/accused Asad @ Totla stands disposed off.

(SURABHI SHARMA VATS)
ASJ-04/Shahdara/KKD Courts,
Delhi/11.02.2025