

SC No. 155/2022
State Vs. Santosh
FIR No. 319/2020
P.S. GTB Enclave
u/s 392/397/411/468/471/120-B/349/419 IPC
& 25 Arms Act.

08.08.2023

Present : Sh. Parmod Kumar, Ld. Addl. PP for State.

None for applicant/accused.

Today this application under Section 439 Cr. PC seeking interim bail on behalf of applicant, is fixed for filing verification report/orders.

ORDER

1. By this order, I shall dispose of an application 439 Cr. PC seeking interim bail on behalf of applicant.
2. Ld. Counsel for applicant/accused has submitted that applicant/accused is in JC since 16.10.2020; that applicant/accused is a young man aged 36 years and he is not previous convict; that applicant/accused has been falsely implicated in the present case; that nothing has been recovered from the possession of applicant/accused in the present case; that applicant is having two daughters aged about 17 and 15 years and one son aged about 13 years; that besides his family, mother of applicant, who is aged about 80 years is also residing with him; that except the applicant, nobody is available at his house to look-after the applicant's family; that daughter of applicant namely Kashish Kashyap has passed out 12th class and she wants to take admission in B.A. (1st year) and there is no one except the applicant to get her admitted in any college. It has been prayed that interim bail for a period of two months may be granted to the

applicant for helping her daughter to get admission in any college.

3. Ld. Addl. PP for State on the other hand has vehemently opposed the application by stating that reasons mentioned for seeking interim bail does not warrant grant of same. He has further opposed the application by referring to the nature of accusations as well as gravity of offence alleged to have been committed by applicant/accused. Thus, prayer for dismissal of application has been made.
4. I have heard respective submissions advanced on behalf of both sides and perused the record.
5. At the outset, it is worthwhile to mention that interim bail of applicant/accused has been sought on the ground of getting admission of his daughter in some college as she has passed out 12th class last year. Photocopy of mark-sheet of applicant's daughter is annexed with the application. Perusal of the mark-sheet dated 22.07.2022 of applicant's daughter annexed with the application reveals that she has passed out 12th class from Govt. Girls Sr. Sec. School, New Usman Pur, Delhi in the year 2022 and scored 88% marks, however she could not get admission in any college till date.
6. As per reply filed by IO, two nephews of applicant are residing in the same house. On the other hand, Ld. Counsel for applicant/accused has submitted that said nephews of applicant are residing on their respective floors in the same house, however there is no other male member in applicant's own family except his wife, old aged mother and two minor children.

7. Further, verification report w.r.t. mark-sheet of applicant's daughter from CBSE has also been filed by ASI Abdesh Kumar on behalf of IO. Although, as per reply filed by IO, there are two nephews residing in the same house, who are available to assist her in the said process, yet this court cannot lose sight of the fact that a daughter, who has recently completed her schooling and is looking forward to make an effort to shape her career by seeking to get admission in a college, would also need the attention and support of her father, financially and otherwise. Needless to say, responsibility of father towards her children can hardly be discharged by anyone else. However, this court would hasten to add here that while considering the academic needs of the daughter of applicant/accused on one hand, at the same time it cannot ignore the concerns of complainant on the other hand. Therefore, apprehension if any, on behalf of complainant/prosecution that applicant / accused may threaten or influence the complainant as well as other prosecution witnesses, if granted bail, may be allayed by imposing strict conditions upon the applicant / accused.

8. Thus, in view of the facts and circumstances in totality as well as considering the academic needs of applicant's daughter and without going into the merits of the case, this court is inclined to allow the present application. Accordingly, applicant/accused is granted interim bail for a period of 15 days from the date of this order/release, upon furnishing a bail bond in the sum of Rs.25,000/- with one local surety of like amount to the satisfaction of this court/Duty MM subject to following conditions:

1. Applicant shall furnish his address as well as contact numbers to the Investigating Officer.

2. *Applicant and surety shall intimate the Court immediately upon any change in their addresses.*
3. *Applicant/accused shall not threaten or influence the complainant or any prosecution witness in any manner whatsoever and shall not visit within the close vicinity of the residence of the complainant during the period of interim bail.*
4. *Applicant/accused shall neither tamper with the evidence nor shall indulge in any illegal activities during the bail period nor shall commit any similar offence.*
5. *Applicant/accused shall keep his mobile phone switch on at all times during bail period.*
6. *Applicant/accused shall immediately surrender upon lapse of period of interim bail before Jail Superintendent concerned and shall not seek extension of interim bail without first surrendering before Jail authorities.*

The present application stands disposed of accordingly.

(Vineet Kumar)
ASJ-02/E-Court/Shahdara
KKD/Delhi/08.08.2023