

SC ID No.306/21

IA No. 04/22

State vs. Israr Tomar

FIR No. 96/20

PS : GTB Enclave

U/s : 365/394/395/397/412/34/120-B IPC

11.07.2022

This is an application for grant of interim bail of applicant/accused, under Section 439 of Cr.P.C.

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

Mohd. Arif, brother-in-law of the applicant/accused present.

IO/SI Arjun Singh is also present.

An application has been moved for grant of interim bail of the applicant/accused Israr Tomar.

Briefly, it is stated in the application that wife of the applicant/accused is diagnosed to be suffering from stone in gall bladder and doctors advised her surgery which is fixed on 12.07.2022 at Sant Parmanand Hospital, Civil Lines, Delhi and therefore, he be granted bail as there is no one to look after the wife of applicant/accused.

Reply on the bail application alongwith verification report regarding medical treatment filed by IO. Copy supplied to the Ld. Counsel for applicant/accused.

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As per reply, IO submits that applicant/accused was actively involved in alleged crime. There is no previous involvement but if he is released on bail, he can commit similar type of offence.

Arguments on the application heard on behalf of accused/applicant and Ld. Addl. PP for the State.

Bail application of the applicant/accused strongly opposed by the Ld. Addl. PP for the State.

I have given careful consideration to the submissions of Ld. Counsel for the accused/applicant and Ld. Addl. PP for the State as well and have also gone through the material placed on record.

Earlier also, interim bail application was filed by the applicant/accused for a period of one month on the ground of marriage of one cousin, however, it was observed by the court that there was other family members to participate in the marriage function and bail application of the applicant/accused was dismissed vide order dated 03.02.2022.

Regular bail application of the applicant/accused has been dismissed as withdrawn on 11.04.2021 before Hon'ble High Court.

As far as the present interim bail application is considered, Mohd. Arif, brother-in-law of the accused is representing the bail application of the applicant/accused and can look after the wife of the applicant/accused during her hospitalization and surgery time.

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Keeping in view the aforesaid facts, I am not inclined to grant bail to the accused/applicant at this stage, therefore, the bail application of the accused/applicant is hereby **dismissed**. **The interim bail application accordingly stands disposed off.**

Copy of order be given dasti to the counsel for applicant/accused as well as IO.

(KIRAN BANSAL)
ASJ-04, Shahdara/KKD Courts,
Delhi/11.07.2022