

**IN THE COURT OF SH. MOHINDER VIRAT,
ADDL. SESSIONS JUDGE-03/SPECIAL JUDGE (COMPANIES ACT)
DWARKA COURTS, NEW DELHI.**

**Reg. No. SC/292/2019
State Vs. Pramod @ Chhotu & Ors. (applicant Sarver Ali @ Sajjan)
FIR No.05/2019
PS : Bindapur
U/S : 302/307/323/324/34 IPC**

**Hearing conducted through Video Conferencing -
CISCO WebEx Meetings**

**O R D E R
29.07.2020**

Present: Sh. Girish Kumar Manhas, Ld. Addl. PP for the State.
Sh. Manoj Sharma, Id. counsel for accused/applicant Sarver ali @ Sajjan.

This is an application under Section 439 CrPC moved on behalf of the applicant/accused for grant of interim bail.

Reply to the bail application has been filed on behalf of the IO through email.

It is submitted by learned counsel for the applicant/accused that earlier the applicant/accused was granted interim bail on the ground of death of his father and he had surrendered before the jail authorities and had not misused the concession of interim bail.

It is further submitted by learned counsel for the applicant/accused that applicant/accused is native of Darbhanga, Bihar and there is a flood situation in Bihar due to which his house has been water logged and he is to look after his family and his house. Learned counsel has prayed for grant of interim bail to the applicant/accused.

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Per contra, ld. Addl. PP for the State has opposed the prayer for interim bail on the ground that the accused is involved in heinous offence and even if the house of the applicant/accused is water logged because of floor situation in Bihar, then the construction of the house is not possible at this stage because of prevalent floor situation as stated by learned defence counsel. Learned Addl. PP for the State has prayed for dismissal of the bail application.

Heard. Record perused.

Considering the submission made by learned defence counsel that the house of the applicant/accused has been water logged and also that he is to look after his family and also to make arrangement for repair of his house to make it habitable and further that the applicant/accused has not misused the interim bail granted to him earlier, as well as the present situation as created by Corona Pandemic, without going into the merits of the case and **purely on humanitarian ground, the applicant/accused Sarver Ali @ Sajjan, S/o Mohd. Mukbil, R/o B-30, Vishu Vihar, Uttam Nagar, New Delhi for a period of twenty days (20) from the date of his release, subject to his furnishing personal bond in the sum of Rs.30,000/- to the satisfaction of Jail Superintendent concerned,** subject to the following conditions:-

1. That the ld. counsel for the applicant shall provide the mobile number to the concerned IO/concerned Jail Superintendent on which the accused shall be available during the period of his interim bail for enabling the IO to remain in contact with the accused/applicant as well as to know his location on Whatsapp App., etc;

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2. That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuadehim/her to disclose such facts to the court or to any other authority during the period of interim bail;
3. That he shall not indulge into similar offence or any other offence in the event of release on interim bail; and
4. That he shall not tamper with evidence in any manner during period of interim bail.

Once the personal bond is furnished by the applicant/accused to the satisfaction of the Jail Superintendent, this order shall be considered as the release order and the applicant/accused be released forthwith, if not wanted in any other case.

Applicant/accused is directed to surrender before the Jail Authorities immediately on expiry of his interim bail.

The application stands disposed of accordingly. Miscellaneous file of the bail application be tagged with the main case file.

Copy of this order be sent to concerned Jail Superintendent for information and compliance. Copy of order be also sent to IO as well as to learned counsel for the applicant/accused through whatsapp/email.

Order be also uploaded on the website.

(MOHINDER VIRAT)

ASJ-03 & Special Judge (Companies Act)
Dwarka Courts (SW)/New Delhi/29.07.2020