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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.A. 278/2020

SHAMBHU

..... Appellant

Through : Mr.Sumeet Verma, Mr.Mahinder
Pratap Singh, Advocates.

versus

STATE

..... Respondent

Through : Ms.Rajni Gupta, APP for the State.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

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11.08.2020

Crl.M.(Bail).No.7481/2020

1. The hearing has been conducted through Video Conferencing.
2. This application is moved for interim bail for two months on the ground the house of the applicant where his wife and two minor sons resides is in dilapidated condition and require repair in the rainy season.
3. The applicant is convicted under Section 376(2) IPC and sentenced to 30 years of imprisonment. The learned counsel for applicant submits despite the victim and her mother turned hostile saying that the victim was more than 18 years of age at the time of offence, the learned Trial Court yet relied upon a copy of school certificate and convicted the applicant. The learned APP for the State submits the learned Trial Court has rightly done so.
4. The learned counsel for the applicant urges considering the nature of the case, the punishment of 30 years imprisonment was uncalled for.
5. Nevertheless, at this stage, the application is only for interim



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bail on the ground mentioned above. I have perused the status report, which confirms the factum the house is in dilapidated condition and the old parents and minor children of applicant resides therein and it require repairs. The applicant has suffered for four years approx. uptill now.

6. Considering the above facts, the applicant is granted interim bail 45 days from the date of his release from Prison on his executing a personal bond of Rs.20,000/- to the satisfaction of the Jail Superintendent/Duty MM. The surety of the like amount shall be furnished by the petitioner within a week of the learned Trial Court resuming its normal functioning. However, if the period of interim bail expires before the learned Trial Court starts/resumes its normal functioning and the applicant surrenders, then there shall be no need to furnish the surety before it. The petitioner is also directed to provide his contact number/address to the SHO of police station Hauz Khas, Delhi as also he shall keep open his location application in his mobile at all time.

7. The application stands disposed of in above terms.

8. Copy of this order be sent electronically to the learned Trial Court / Jail Superintendent for compliance.

YOGESH KHANNA, J.

AUGUST 11, 2020

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