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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.A. 224/2022

KULDEEP TOMAR

.....Appellant

Through: Mr. Maninder Singh, Sr. Adv. with Mr
Dinhar Takiar, (Ld. Amicus Curiae),
Ms Aekta Vats, Ms Simran Chawdhary
& Mr Akash Gosain, Advs. (M:
8052327109)

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Mukesh Kumar, APP for the State
(M: 9313007949)
Mr. Harsh Prabhakar (Amicus Curiae),
Mr Dhruv Chaudhry, Mr Adeeb Ahmad,
Mr Ashish Avasthi, Mr Kushagra Arora,
Mr Avneesh Chaudhary and Ms Eshita
Pallavi, Advs. for R-2/victim
(M:9999309014)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

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18.07.2024

1. This hearing has been done through hybrid mode.

CRL.M.(BAIL) 1053/2024

2. The present application has been filed on behalf of the Applicant/Appellant-Mr. Kuldeep Tomar under Section 389 of the Cr.P.C. seeking interim suspension of sentence during the pendency of the captioned appeal and grant of bail on the ground of medical condition of his wife.

3. The background of the case is that the Applicant/Appellant was a Subedar in the Army, who has been convicted for the offence under Section 302 IPC read with Section 120B of the IPC, Section 307 read with Section 34 of the IPC, Section 3(2)(v) of SC/ST Act read with Section 120B IPC and Section 30 of the



Arms Act.

4. A perusal of the nominal roll dated 16th July, 2024 by Deputy Superintendent, Central Jail No. 2, Tihar, New Delhi shows that as on 16th July, 2024, the appellant has been in custody for 4 years 8 months and 07 days (including the undertrial period). Further, he has been given interim bail on 4 occasions by this Court, the last interim bail given was from 5th December, 2022 to 8th December, 2022. His conduct in jail as per the said nominal roll is satisfactory.

5. The interim bail presently is being sought on the ground of medical condition of the wife of the Appellant, who is stated to be suffering from acute depression. The medical documents of the wife have been verified.

6. It is stated that the wife of the Appellant is living with two minor children, who are stated to be of 14 years and 8 years of age. It is further stated that the parents and brothers of the appellant are in custody.

7. As per the status report dated 15th July, 2024 authored by Inspector Sukram Pal, SHO/PS New Usman Pur, the treatment documents/prescriptions with respect to the medical condition of the wife of the appellant have been verified to be genuine and she has been advised admission at the Psychiatric Centre at Army Base Hospital, Delhi Cantt.

8. In these circumstances, this Court is inclined to grant bail for a period of two weeks from the date of his release subject to the following conditions:-

- i. The Appellant /Applicant shall furnish a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties in the like amount to the satisfaction of the Learned Trial Court/CMM/Duty Magistrate; further subject to the conditions that the appellant will furnish his mobile phone number in the personal bond which he will be using during the period of interim bail, which phone number will be kept in



active mode so that as and when required he can be contacted.

ii. The Appellant /Applicant shall provide his mobile telephone number in working condition to the S.H.O. of the concerned Police Station, at the time of his release on bail and shall not change the same, without prior intimation to this Court and also undertakes to keep the same operational, during the period of release on interim bail.

iii. The Appellant/Applicant is also directed to furnish a record of his wife's treatment at the Psychiatric Centre at Army Base Hospital, Delhi Cantt. at the time of surrendering before the jail authorities.

iv. The Appellant/Applicant shall not leave the jurisdiction of National Capital Territory of Delhi, without prior permission of this Court, during the period of interim bail.

v. Upon expiry of the period of interim bail, the appellant/applicant shall surrender before the Jail Superintendent.

9. The application is partly allowed and disposed of.

10. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.

11. Order be uploaded on the website of this Court *forthwith*.

12. *Dasti*.

CRL.A. 224/2022

13. List on 29th July, 2024.

PRATHIBA M. SINGH, J

AMIT SHARMA, J

JULY 18, 2024/nk/RKS/Pc