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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.A. 1442/2019

VINOD KUMAR

..... Petitioner

Through: Dr. K.S. Chauhan & Mr. Ravi Prakash, Advs.

Versus

STATE & ORS.

..... Respondent

Through: Mr. M.S. Oberoi, APP for the State.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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05.06.2020

Crl. M. (Bail) 6417/2020 (seeking interim bail)

1. The hearing was conducted through video conferencing.
2. The appellant/applicant has been sentenced to four year imprisonment alongwith payment of fine of Rs. 10,000/- failing which the applicant has to undergo further six weeks imprisonment. He has been behind bars for seven months. As per the Nominal Roll dated 01.06.2020, the conduct of the applicant in jail is Satisfactory.
3. The applicant seeks bail for the reason that he is suffering from various ailments. More importantly, he states that his father is of 82 years of age and has nobody-else at home to take care of him especially in the current pandemic/nationwide. In its Status Report the State has not replied to paragraphs 6 & 7 of the application. The applicant's submission that there is no sibling in the house to take care of his father has gone unrebutted. The applicant's wife is 56 years of age and she will not be in a position to take care of all the needs of her

father-in-law. The neighbours who were earlier offering some assistance are now unable to do so due to the pandemic. He also states that he otherwise has a good case on merits and by the time it is taken up for disposal the appeal may well become infructuous.

4. In view of the above the applicant is granted Interim Bail for a period of six weeks from the date of his release, on his furnishing a personal bond in the sum of Rs. 20,000/- to the satisfaction of the Jail Superintendent/Duty MM concerned. Condition of furnishing a surety is dispensed with for the time being. Should the normal functioning of the Courts resume in the said period of six weeks from the date of applicant's release, he shall furnish a surety bond of the like amount before the court concerned. Interim Bail is granted subject to the following conditions:-

- (i) The applicant shall keep the SHO/IO concerned informed of his whereabouts through a video call every day between either between 11-11:30 a.m. or between 5-6 p.m.. If a video call is not possible, he may send an SMS apropos his whereabouts as well as 'drop-a-pin' on location app (eg. Google Maps) to indicate his location. Before the release of the applicant from incarceration, the IO shall ensure that the applicant has a video-call facility on his telephone.
- (ii) The applicant shall provide his contact number to the IO/SHO concerned and ensure that the said number is reachable at all times. The learned APP shall provide the number of the IO/SHO concerned to the learned counsel for the applicant.
- (iii) The applicant shall not leave the jurisdiction of the local police

station of his place of residence, unless there is an absolute necessity for doing so for which he shall keep the IO/SHO duly informed.

(iv) The applicant shall not do anything which may prejudice the case of the prosecution.

5. The application is disposed-off in terms of the above.
6. Nothing stated in this order shall be deemed to be an adjudication on the merits of the case. The Registry is directed to send a copy of this order to the Jail Superintendent concerned for due compliance.
7. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

JUNE 05, 2020/kk