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

+ CRL.A. 1456/2014

ASHWANI KUMAR

..... Appellant

Through : Mr.Siddharth Yadav, Advocate.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Through : Ms.Manjeet Arya, APP.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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15.03.2017

CRL.M.B. 262/2017

1. The appellant seeks interim bail for ninety days to get treatment for his mother suffering from physical ailment. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. Reliance has been placed on '*State of U.P. vs. Atique Ahmad*', 2002 (9) SCC 401 & '*Angana & Anr. vs. State of Rajasthan*', AIR 2009 SC 1669.

3. As per status report, appellant's mother is getting treatment for stone in her gall bladder. Initially, the surgery was scheduled for 3rd week of February, 2017 but it was not utilised and rescheduled to 3rd / 4th week of March, 2017. Status report further reveals that the appellant has elder son Satya Prakash Sharma serving in BSF and his wife Disha is residing along with appellant's mother at house No.C-14, Gali No.1, Mandawali. The appellant has four married sisters and they all live in Delhi along with their families.

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4. By a detailed order dated 19.05.2015, Crl.M.B.Nos.3337/2015 (interim bail) and 234/2015 (regular bail) were dismissed. The appellant was, however, granted custody parole to enable him to take exams on various dates i.e. 31.07.2015, 07.08.2015, 31.05.2016 and 20.07.2016.

5. Allegations against the appellant are very serious whereby he was convicted for committing offence under Sections 376(2)(g) and 506 part-II IPC. He was sentenced to undergo RI for ten years with fine ₹10,000/-. Co-accused Rajiv Tyagi was declared Proclaimed Offender by an order dated 08.09.2009. After recording proceedings under Section 299 Cr.P.C. on 11.08.2011, file was consigned to record room. Earlier, the appellant had also absconded during trial and was declared Proclaimed Offender by an order dated 17.01.2008. He could be arrested subsequently on 22.01.2013. It is relevant to note that the appellant had claimed juvenility on the basis of a forged document though his age was ascertained as 19 years on the day of occurrence.

6. Considering the facts and circumstances of the case and the previous conduct of the appellant, I find no sufficient ground for grant of interim bail. The application is dismissed.

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To be listed in due course.

S.P.GARG, J.

MARCH 15, 2017 / tr

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