

FIR No.36575/19
PS Mandawali
Applicant: Avinash Kumar
22.05.2021

Pursuant to directions of the Hon'ble High Court of Delhi in Office order No.2/R/RG/DHC/2021 Dated 19.04.2021, only urgent matters are taken up for hearing through video conferencing. The abovesaid matter is taken up today through video conferencing using the App Cisco WebEx.

Present: Ld. APP for State (through video conferencing)
Sh. Mohd. Imran, LAC for applicant/accused (through video conferencing).

This is an application moved on behalf of applicant/accused seeking interim bail of 90 days.

Reply filed by the IO. Same is taken on record.

Application perused. Arguments heard.

It is argued on behalf of the accused/applicant that he is in JC since 05.08.2020 & was falsely implicated in the present case. It is submitted that investigation is complete and accused has clean antecedents. It is further submitted that accused falls within the criteria recommended by the High Power Committee of Hon'ble High Court of Delhi dated 04.05.2021 for consideration of interim bail & it is prayed that in view of the outbreak of the pandemic COVID-19, a lenient view may be taken. It is further submitted that accused is ready to abide by all terms and conditions to be imposed upon him, if he is granted interim bail.

On the other hand, Ld. APP for the state opposed the bail application stating that the allegations are grave and serious. As per the report of IO, accused has two previous involvements.



Considering the above-mentioned submissions, facts and the prevailing situation on account of COVID-19 pandemic and after taking into account the directions in the Minute of Meeting dated 04.05.2021 of High Powered Committee of Hon'ble High Court of Delhi, this court is of the considered opinion that during difficult times amid pandemic, the continued detention of the Accused in JC would, on the one hand, unnecessarily compound the burden of our institutions, not to mention consume our attention and resources which should be unblinkingly aimed at eradication of the pandemic; on the other hand, it would be rather humane if the accused bides this time of isolation alongwith his family, more so considering the fact that investigation is complete.

Hence, unless required in any other case, the accused Avinash Kumar is hereby, directed to be released on interim bail for a period of 90 days (to be reckoned from the date of him release from custody) on his furnishing personal bond in the sum of Rs. 10,000/- to the satisfaction of Jail Superintendent concerned subject to the following conditions:

1. That he shall not indulge in commission of any similar or other offence upon his release;
2. That he shall not tamper with the evidence in any manner;
3. That he shall not make any inducement, threat or promise to any witness(es) involved in case;
4. That he shall furnish his complete residential address and intimate the Court if and when there is any change thereto;
5. That he shall appear before the Court/IO if and when called upon before expiry of said 90 days; and
6. That he shall surrender before the Court/jail concerned upon the expiry of period of 90 days (to be reckoned from the date of his release from custody);



Nothing expressed herein shall tantamount to any opinion on the merits of the case.

Copy of this order be sent to the Jail Superintendent concerned through electronic mode for information and compliance. The application stands disposed of.

Copy of this interim bail order is to be sent to DLSA (East) & LAC for applicant through electronic mode


(RENU CHAUDHARY)
DMM/East/KKD/Delhi/22.05.2021