
(2023) 03 DEL CK 0110
In the Delhi High Court
Case No : Bail Application No. 644 Of 2023

Mohd Danish

APPELLANT

Vs

State Govt. Of Nct Of Delhi

RESPONDENT

Date of Decision : 02-03-2023

Acts Referred:

Citation : (2023) 03 DEL CK 0110

Hon'ble Judges : Dinesh Kumar Sharma, J

Bench : Single Bench

Advocate : Saroj Kumar Jha, Meenu Jha, Amit Sahni

Final Decision : Disposed Of

Judgement

Dinesh Kumar Sharma, J

CRL.M.A. 5236/2023 & CRL.M.A. 5237/2023 (exemption)

Exemptions allowed subject to all just exceptions.

BAIL APPLN. 644/2023

1. This is an application seeking an extension of interim bail for a period of 3 months filed on behalf of the accused. The accused was granted interim bail by the Learned Trial Court vide order dated 20.01.2023 till 27.01.2023 on the ground of illness of the mother of the petitioner. The interim bail granted was extended from time to time vide orders dated 04.02.2023 and 13.02.2023 till 20.02.2023. However, the accused did not surrender on 20.02.2023 and moved another application for an extension of interim bail for the period of 3 months on the medical ground of his wife. Petitioner took the plea that on 19.02.2023, the wife of the accused fell down the stairs and her backbone was fractured. It was stated that the doctor had advised her to bed rest for 2 months.

2. Learned counsel for the petitioner submits that the wife of the petitioner is totally bedridden and the learned Trial Court has wrongly rejected the application

for an extension of interim bail.

3. Learned Addl. P.P. for the State has vehemently opposed the extension of interim bail. It has been submitted that the petitioner is not entitled to any discretionary relief as he has failed to surrender despite the expiry of the interim bail period. Learned Addl. P.P. for the State submits that if the interim bail is extended, it will condone the petitioner's illegal act.

4. The petitioner along with the petition has filed the medical documents. Perusal of the medical documents indicates that the wife of the petitioner had fallen from the staircase and has pain in her lower back and hips and has been advised bed rest for 2 months. The conduct of the petitioner certainly does not entitle him for an extension of interim bail. However, during the course of submissions, the learned counsel for the petitioner undertakes that the petitioner shall surrender on 09.03.2023 after making suitable arrangements for his wife.

5. In view of the above submission made, the interim bail of the petitioner is extended till 09.03.2023 on the same terms and conditions as imposed by the Learned Trial Court vide order dated 20.01.2023. The petitioner shall surrender positively on 09.03.2023 before the concerned Jail, Superintendent, without any fail.

6. This Court makes it clear that this order has been passed purely on humanitarian grounds and records that the conduct of the petitioner was undesirable.

7. The Learned Counsel for the petitioner submits that he does not press the petition any further.

8. With these observations, the present petition stands disposed of.

9. Copy of the order is given dasti under the signatures of the Court Master.