
(2019) 05 DEL CK 0200

In the Delhi High Court

Case No : Bail Application No. 1377 Of 2019

Nittin Johari

APPELLANT

Vs

SFIO

RESPONDENT

Date of Decision : 28-05-2019

Acts Referred:

Citation : (2019) 05 DEL CK 0200

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Mohit Mathur, Gautam Khazanchi, Pradyuman Kaistha, Akhilesh Kumar, Anurag Ahluwalia, Olson Nair

Judgement

Petitioner seeks two weeks interim bail in case No. 5/5/2016/CL-II to perform the funeral ceremonies of his mother who had died on 24th May, 2019. Petitioner had earlier approached this Court for interim bail to get his mother treated and this Court vide order of 17th May, 2019 had declined interim bail but had permitted him to meet his mother while in custody.

Similar prayer, as made in this petition, was made before trial court. Vide order of 24th May, 2019, trial court has declined interim bail to petitioner but had permitted him to perform the funeral ceremonies of his mother while in custody.

Learned Senior Counsel for petitioner submits that petitioner had performed the last rites of his mother yesterday while in custody but for asthi visarjan in Haridwar, petitioner be granted interim bail as the asthi visarjan is to be performed with a free mind and without fetter. It is submitted that asthi visarjan of petitioner's mother is to take place on 30th May, 2019 and shanti pooja havan is to be performed on the next day and on 2nd June, 2019, daswan ceremony is to be performed by petitioner and on 4th June, 2019, tehrevi ceremony of petitioner's mother is to be performed, and for performing these ceremonies with free mind, petitioner requires interim bail.

On the contrary, learned Central Government Standing Counsel for respondent

opposes the prayer for interim bail and submits that trial court has already permitted petitioner to perform these ceremonies in custody and so this application deserves rejection in view of the gravity of offence committed by petitioner.

After having heard both the sides and on perusal of trial court's order of 24th May, 2019 and this Court's order of 17th May, 2019, I find no reason to take a different view than the one taken by this Court in the order of 17th May, 2019. Trial court in the order of 24th May, 2019 has proceeded to decline interim bail to petitioner while treating the order of 17th May, 2019 of this court as precedent and by observing that petitioner is the master mind of the entire fraudulent arrangement of manipulation through letters of credit by filing false documents with various banks involving Rupees Twenty Thousand Crores. This Court is of the considered view that trial court has rightly declined interim bail to petitioner but the period of custody bail for performing asthi visarjan is found to be inadequate. Since petitioner has to perform asthi visarjan in Haridwar, therefore, it is directed that petitioner be taken in custody at his expense to Haridwar in the early morning of 30th May, 2019 (preferably at 05:00 a.m.) and be brought back in custody on the same day by 09:00 p.m. and for Shanti Pooja Hawan on 31st May, 2019 and Daswan on 2nd June, 2019, petitioner be taken in custody at his expense to the venue of these programmes by 09:00 a.m. and be brought back before sunset. Similarly, on 4th June, 2019 for tehrvi ceremony, petitioner be taken to the venue of ceremony well in time and be brought back before sunset on the same day. Trial court's order of 24th May, 2019 is modified to the aforesaid extent.

The concerned Jail Superintendent be apprised of this order forthwith through special messenger.

With aforesaid directions, this application is disposed of.

A copy of this order be given dasti under the signatures of Court Master to counsel representing both the sides.