

(2020) 06 DEL CK 0124

In the Delhi High Court

Case No : Bail Application No. 1071 Of 2020

Pankaj Sherawat @ Pankaj

APPELLANT

Vs

State (Nct Of Delhi)

RESPONDENT

Date of Decision : 23-06-2020

Acts Referred:

Maharashtra Control of Organised Crime Act, 1999 — Section 3, 4

Citation : (2020) 06 DEL CK 0124

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Hemant Gulati, Meenakshi Dahiya

Final Decision : Allowed

Judgement

Sanjeev Sachdeva, J

1. The hearing was conducted through video conferencing.
2. Petitioner seeks interim bail for a period of six weeks in FIR No.10/2015, Police Station Special Cell under Sections 3 & 4 of MCOCA on the ground that his wife has to undergo surgery.
3. It is contended that the wife of the petitioner is suffering from PIVD L3-L4, L4-L5 C disc prolapsed C Nerve Root Compression and has been advised surgery. It is contended that apart from the petitioner there is no other member of the family who can take care of the wife of the petitioner.
4. A detailed status report (3rd) has been filed on behalf of the State vide diary No.470309. Same is not on record. However, a copy of the same has been shared by learned APP for the State. Registry is directed to place the status report on record.
5. As per the status report, the Investigating Officer had enquired from the Orthopaedic, Shri Siddhi Vinayak Multi Speciality Hospital and he has confirmed that the wife of the petitioner has to undergo a major surgery and the hospital

stay during pre and post surgery is about 3-4 days and thereafter she requires about one month's rest.

6. Learned counsel for the petitioner points out that petitioner had earlier been released on interim bail on 06.02.2018 for a period of 10 days and thereafter on 22.05.2018 for another 10 days.

7. Learned APP under instructions submits that there is no complaint of misuse of any liberty during the period when the petitioner was earlier released on interim bail.

8. It is contended by learned APP that there is a sister-in-law in the house of the petitioner who can take care of the wife of the petitioner.

9. Learned counsel for the petitioner submits that the sister-in-law is not well and is not in a position to take care of the wife of the petitioner.

10. Without commenting upon the merits of the case and keeping in view the facts and circumstances of the case and especially in view of the fact that petitioner had earlier been released on interim bail and there is no allegation that the petitioner had misused the liberty, on petitioner furnishing a bail bond in the sum of Rs.50,000/- with two sureties of the like amount to the satisfaction of the Superintendent Jail, petitioner shall be released on interim bail for a period of four weeks from the date of his release subject to the following conditions:-

i. Petitioner shall surrender his passport to the IO, if not already done so, and shall reside only within the territorial limits/ jurisdiction of Delhi; and

ii. during the period of interim bail, Petitioner shall report to concerned SHO on every alternate day; and

iii. Petitioner shall not approach any witnesses or threaten them or try to hamper with the evidence so as to create impediment to the holding of the fair trial. In case, there is slightest effort on the part of the accused to misuse the liberty, the prosecution shall file an application in this court immediately for the cancellation of his interim bail; and

iv. Petitioner shall also not interact with any person other than his family members or doctors and his known, either directly or on mobile phone or any other mode of communication; and

v. petitioner shall provide his as well as the sureties mobile numbers to the IO / SHO concerned.

vi. In case the surgery of the wife of the petitioner is not performed on or before 30.06.2020, the interim protection granted to the petitioner shall stand vacated and petitioner shall surrender to the concerned Superintendent Jail forthwith.

vii. Petitioner shall also inform the IO/SHO concerned of the medical condition of the wife from time to time.

11. Petition is allowed in the above terms.

12. Copy of the Order be uploaded on the High Court website and be also forwarded to learned counsel for the Parties through email.