

(2020) 07 DEL CK 0001

In the Delhi High Court

Case No : Bail Application No. 1292 Of 2020, Criminal Miscellaneous Application No.7780 Of 2020

Pooja @ Rakhi Kapoor

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 01-07-2020

Acts Referred:

Citation : (2020) 07 DEL CK 0001

Hon'ble Judges : C. Hari Shankar, J

Bench : Single Bench

Advocate : L.S. Saini, Ravi Nayak

Final Decision : Allowed

Judgement

C. Hari Shankar, J

BAIL APPLN. 1292/2020

1. This is an application for interim bail.

2. Mr. L.S. Saini, learned Counsel appearing for the applicant submits that the application is preferred purely on humanitarian grounds. He submits that

the visa of the son of the petitioner, who is a British citizen, expired on 30th May, 2020, and immediate renewal thereof is necessary. It is stated that

the husband of the petitioner resides in U.K., and that, if the visa of the son is not renewed, his education would be affected, as he is studying in Delhi.

It is further averred, in the application, that the applicant's son resides with his elderly grandparents, who are illiterate, and are not in a position to

complete the formalities necessary to ensure renewal of the visa of the applicant's son. It is also stated, in the application, that the applicant has to

visit the FRRO office to get renewal of the OCI card of her son.

3. Mr. Saini has placed on record, several orders, passed by this Court on 28th January, 2016, 22nd June, 2016, 12th July, 2017, 10th August, 2017, 9th

November, 2017, 2nd November, 2018, 4th December, 2018, 7th January, 2019, 11th February, 2019 and 24th April, 2019, whereunder, on similar

grounds, interim bail was granted to the applicant for short periods of time, normally for 2 weeks, which the applicant never misused.

4. This fact is not disputed in the status report filed by the SHO, which, in response to the applicant's aforesaid submissions, merely avers that the

application for renewal of the visa can be made online for which release of the applicant, on bail, is not necessary. Mr. Saini submits, in this regard,

that the applicant's parents, who are illiterate, would not be in a position to apply for renewal of the visa of her son online; further, certain

documents, required for such renewal, would have to be retrieved from the locker of the applicant.

5. The application also avers that the son of the applicant is suffering from skin infection and congenital eczema and is suffering from depression

owing to deprivation of the company of his mother. This assertion, too, finds no traversal in the status report filed by the SHO.

6. The applicant has already suffered incarceration for over 3 years and 9 months, out of 5 years, since the date she was taken into custody, as she

has been on interim bail for the remaining period.

7. Without entering into the merits of the allegations against the applicant, and in view of the fact that the facility of interim bail, granted to the

applicant on earlier occasion, has never been misused, I am of the view that the, grounds cited in the application make out a case for grant of interim

bail to the applicant, for a period of two weeks.

8. It is ordered accordingly. The applicant is admitted to interim bail for a period of 15 days from the date of her release, subject to her furnishing a

personal bond in the sum of ₹ 50,000/- with two sureties of the like amount to the satisfaction of the learned Trial Court. She is permitted to furnish the

personal bond for ₹ 50,000/- and produce the sureties within 5 days thereof, due to the restrictions imposed consequent to the COVID-2019 pandemic.

The applicant is also required to furnish her address and contact number to the investigating officer and the learned Trial Court. She is restrained from

leaving the territory of Delhi during the period of her interim bail, and would also

avoid any contact with the prosecution witnesses during the said period. She would also report to the SHO, Police Station Rajouri Garden every Monday and Thursday at 10 a.m.

9. The applicant shall surrender immediately on the expiry of the aforesaid period of interim bail.

10. It shall be open to the police authorities at any time to visit the premises of the applicant and ensure that she is not misusing the facility of interim bail extended to her.

11. The application stands allowed to the aforestated extent.

12. Copy of this order be uploaded by this evening. The Jail Superintendent shall act on the basis of the order, as uploaded on the website of this Court.