

**CNR No.DLCT01-000185-2015
SC No.16/2021
FIR No.415/2015
PS Kotwali
U/s 395/397/365/412/201/120-B IPC & 25 Arms Act
State Vs. Sunil & Ors.**

29/07/2021

File taken up today on the bail application u/s. 439 Cr.P.C. of accused Maan Singh for grant of interim bail.

(Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).
SI Satish Kumar is present (through V.C.).
Sh. Gaurav Singhal, Ld. Counsel for the accused Maan Singh (through V.C.).

One of the regular stenographers and Assistant Ahlmad are on leave today.

By way of present order, this Court shall dispose of interim bail application of the accused Maan Singh for heart surgery of his mother Smt. Umed Rani.

Arguments heard on the aforesaid interim bail application of the accused Maan Singh. Perused the material available on record.

During the course of arguments on the aforesaid interim bail application, it was submitted by counsel for the accused that the accused has filed the present interim bail application on the medical grounds of his mother. It was further submitted that the mother of the accused was suffering from heart/ cardiac disease and doctor had recommended for the surgery. It was further submitted that the mother of the accused has already been operated upon but her medical condition is still not well. It was further submitted that accused is the

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sole person who is responsible to take care of his mother. It was further submitted that the interim bail for the period of 3-4 weeks be granted to the accused for looking after his mother and for arranging the funds/ money for further treatment of his mother. It was further submitted that the accused shall be abide by all terms and conditions, if the interim bail is granted to the accused and accused shall surrender after the interim bail period.

During the course of arguments on the aforesaid interim bail application, it was submitted by Addl. P.P. for the State that the allegations against the accused are serious in nature and he can abscond, if the interim bail is granted to him. It was further submitted that the accused has filed the present interim bail application stating that the mother of the accused is to be operated upon on 27/07/2021 but the mother of the accused has already been operated upon on 20/07/2021. It was further submitted that the mother of the accused has already been discharged from the hospital on 23/07/2021 and in view of the same, the present interim bail application of the accused has become infructuous. It was further submitted that the mother of accused is having four sons and two daughters. It was further submitted that mother of the accused is residing with her son namely, Rambaran Singh, who is taking care of her very well and her two other are also residing in the same area and they are also taking care of their mother. It was further submitted that accused is habitual offender and he is involved in other criminal cases of different nature. It was further submitted that interim bail has to be granted in exceptional circumstances and in the present interim bail application, the accused has not mentioned any exceptional circumstances and the same be dismissed.

By way of the present interim bail application, the accused Maan Singh has prayed for interim bail for the period of 3-4 weeks to look after his mother. It is well settled law that interim bail has to be granted in a very

exceptional and extraordinary circumstances warranting the immediate release of the accused to deal with any unforeseen contingency and interim bail cannot be granted in a mechanical manner. In the present case, report/reply of the present interim bail application was called and reply of SI Ramchandra has been filed wherein it is mentioned that “ *in compliance of the order dated 24/07/2021 of this Hon’ble Court, a letter was issued to the Medical Superintendent of RML Hospital putting specific question raised by this Hon’ble Court. The RML Hospital has verified the medical documents of patient Smt. Umed Rani and same has found genuine. The physical verification of the given address of the patient, situated in Nathupura Burari Delhi, has been conducted and statement of the patient Smt. Umed Rani was recorded who stated that she was having cardiac problem and her surgery has been performed on 20/07/2021 at RML Hospital and after surgery she has been discharged on 23/07/2021. Now, she has good health condition and presently she is not required any urgent treatment / hospitalization. She stated that Doctor has advised to come on routine check up for 07/08/2021 in OPD. Smt. Umed Rani stated that she is having 04 sons and 02 daughters. She is residing with her son namely Rambaran Singh who is taking care of her very well. She stated that her two other sons namely Pramod and Uma Shankar also residing in vicinity in Nathupura Burari along with their families and they are also taking care of her. The family of accused/ applicant is residing in Nangloi Delhi. During verification, it is revealed that the presence of accused/ applicant is not required for the treatment of his mother/ Smt. Umed Rani. The other family members of patient are taking care very well of the patient. There are no urgent requirement of the hospitalization/ treatment of patient as per version of patient and her son.*” From the aforesaid report, it is clear that the mother of the accused has already been operated upon and she has also been discharged from the hospital and she is stated to be well. Mother of the accused is stated to

be residing with her son namely Rambaran Singh, who is looking after her and two other sons namely Pramod and Uma Shankar, who are stated to be residing in the same vicinity are also taking care of her. Accused is stated to be habitual offender and he is involved in other criminal cases of different nature. Keeping in view the facts and circumstances of the case, gravity of offence, nature of serious allegations levelled against the accused and report of SI Ramchandra, this Court is of the considered opinion that no ground for interim bail of accused Maan Singh is made out. Accordingly, the present interim bail application of accused Maan Singh is dismissed.

A copy of this order be sent to the concerned Jail Superintendent through e-mail for information. Counsel for the accused is at liberty to collect the copy of present order through electronic mode.

Order be uploaded on the website of Delhi District Court.

(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
29/07/2021(G)