

**FIR No. 000139/2020**

**PS: DBG Road**

**State Vs. Kunal @ Bhanu, S/o Sh. Kishan Lal**

**17.10.2020**

This is an application under Section 437 Cr.P.C received through E-mail as moved on behalf of applicant/accused **Kunal @ Bhanu, S/o Sh. Kishan Lal**, for bail.

Present: Ld. APP for the State.

Sh. Anil Kumar, Ld. Counsel for the applicant/accused.

Reply of IO has been received through E-mail.

1. Ld Counsel for the accused has contended that accused was arrested in the present case and is in JC since 21.09.2020 and has already spent more than 15 days in judicial custody. Ld. Counsel further submits that recovery has already been effected and no purpose would be served in detaining the accused behind the bars. Ld. Counsel has prayed that interim bail for a period of 45 days be granted to the accused in terms of minutes of High Powered Committee.
2. *Per Contra*, Ld APP for the State has opposed the bail application as per law.
3. Before adjudicating upon the bail application, it would be pertinent to make a reference to Suo Motu Petition (Civil) No. 1/2020 dated 23.03.2020 titled ***In Re: Contagion of COVID -19***, wherein, in order to decongest prisons, the Hon'ble SC ordained the constitution of High Powered Committees in each State.
4. It is further apposite to mention that on 23.03.2020 itself,

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in case titled **Shobha Gupta & Ors. Vs. Union Of India & Ors W.P.(C) No.2945 of 2020** decided on 23.03.2020 by the Hon'ble High Court of Delhi, it was decided that Prisoners can be released on "interim bail", The criteria adopted were:-

- a Under trial prisoner is the first time offender;
- b Under trial prisoner has been arrested or is facing trial for offence punishable upto 7 years;
- c Case is triable by Magistrate and
- d Under trial prisoner is in custody for last 3 months or more;
- e Under Trial Prisoner undergoing Civil imprisonment

The High Powered Committee (HPC), in terms of the mandate of the Hon'ble SC, issued a slew of directions, contained in Minutes Of Meetings held on various dates.

5. Vide Minutes of Meeting dated **18.05.2020**, the HPC resolved that interim bail ought to be granted for 45 days, preferably on Personal Bond, to inmates fulfilling the following criteria

- a Under trial prisoners (UTPs) facing trial for a case under **Section 302 IPC** and are in jail for **more than two years with no involvement in any other case;**
- b Under trial prisoners (UTPs) facing trial for offence under **Section 304 IPC** and are in jail for **more than one year with no involvement in any other case;**
- c Under trial prisoners (UTPs) facing trial in a case under **Section 307 or 308 IPC** and are in jail for

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**more than six months with no involvement in any other case;**

- d Under trial prisoners (UTPs) facing trial/remand prisoners in **Theft cases** and are in jail for **more than 15 days;**
- e **Male** Under trial prisoners (**above 65 years** of age) facing trial in a case except the ones excluded hereunder and are in jail for **more than six months with no involvement in any other case;**
- f **Female** Under trial prisoners (**above 60 years** of age) facing trial in a case except the ones excluded hereunder and are in jail for **more than six months with no involvement in any other case;**

6. It has been submitted by Ld Counsel that accused was arrested in the present case and is in JC since 21.09.2020 and has already spent more than 15 days in judicial custody, and is squarely covered by the criteria laid down by the High Powered Committee vide its minutes of meeting mentioned above.
7. Since the accused fulfils the criteria laid down above, he is hereby released on interim bail for a period of 45 days on furnishing personal bond for the sum of Rs. 5000/- to the satisfaction of the Jail Superintendent.
8. This order shall be treated as a Release Warrant. Ahlmad is directed to make requisite entry in the Bail Register maintained by him in compliance of directions issued by the Hon'ble High Court of Delhi in Ajay Verma Vs Govt. of NCT

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of Delhi W.P 10689/17 dated 08.02.2018.

The application stands disposed of.

Copy of this order be sent to concerned Jail Superintendent for necessary action via official email ID. The order be also uploaded on the District Courts website forthwith.

**(Arul Varma)**  
**CMM(Central)/THC/Delhi**  
**17.10.2020**