

**IN THE COURT OF SH. SANJEEV AGGARWAL, SPECIAL JUDGE
(PC ACT) (CBI)-02, ROUSE AVENUE DISTRICT COURT, NEW DELHI**

State Vs. Prakash Jarwal

(S/o. Sh. Jagdish Parsad)

FIR No. : 213/2020 dated 18.04.2020

u/S. : 386/506/306/34 IPC

PS : Neb Sarai, Distt. South

New Delhi

05.06.2020 (at 1:00 PM)

ORDER

1. Vide this order, I shall dispose off the application for interim bail moved u/S. 439 CrPC on behalf of the applicant / accused Prakash Jarwal.
2. This bail application was taken up via CISCO Webex platform, facilitated by computer branch official(s) of RADC in the presence (on screen) of Sh. Manish, Ld. Additional PP for State, Sh. Tanveer Ahmed, Ld. Counsel for the complainant and Sh. Ravi Drall, Ld. Counsel for the applicant / accused on 04.06.2020, in which detailed arguments were addressed and concluded.
3. The brief facts are :

“The present FIR was registered on 18.04.2020 u/S. 386/306/506/34 IPC on the complaint of one Hemant Singh S/o. deceased Rajender Singh, who had hanged himself and also left a suicide note naming the present accused (local MLA of Deoli Constituency) and his associate for demanding and accepting extortion money for running water tankers with Delhi Jal Board.

After registration of FIR, statement of witnesses u/S. 161/164 CrPC were recorded. The present accused was arrested on 09.05.2020.

During investigations, as per IO it has been found that there is a big nexus between water tanker owners and accused persons. It is also alleged

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that accused with the help of other associates were extorting money from water tanker owners.

4. The regular bail application of this accused was dismissed on 28.05.2020.
5. The present interim bail application has been moved on the ground of death of father-in-law of the present accused on 03.06.2020 at LNJP Hospital, suspected to have died with Covid-19.

It is also stated that his wife and infant son of 11 months old were also residing with his father-in-law for the last so many days, therefore she has quarantined herself.

It is further stated that the presence of the accused was necessary at the time of cremation of his father-in-law.

It is further stated that there is an apprehension that his wife and son are Covid positive and he has also to look after his old aged parents and family, who were in touch with his wife and for other reasons mentioned in the application. Therefore, it is stated that he be granted interim bail for 45 days in these circumstances .

6. Reply has been filed by the IO vehemently denying the contents of the bail application, seeking interim bail. It is stated that accused was residing in a joint family having two brothers, who can look after his parents, as also his in-laws who were also residing in the same locality. His brother-in-law can perform all the rights and rituals related to the death of his father-in-law. Therefore, it is stated that the application be dismissed.

7. I have heard Sh. Ravi Drall, Ld. Counsel for the applicant / accused, Sh. Manish, Ld. Additional PP for the State, Sh. Tanveer Ahmed, Ld. Counsel for the complainant and perused the record.

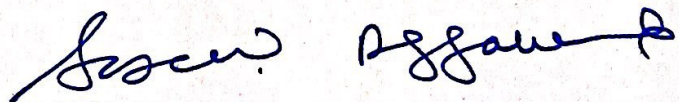
8. It is admitted that the regular bail of this accused has been dismissed recently on 28.05.2020 on merits. The IO has stated in the reply that the accused was residing in a joint family along with his parents and two brothers, which fact was not refuted. Similarly, it has not been disputed during the course of arguments that family of his deceased father-in-law consists of 3 daughters and 1 son.

9. The accused himself has stated that he suspects that his wife and infant son may be suffering from Covid-19. Therefore, his wife is under self-quarantine.
10. The Ld. Additional PP also claimed during arguments that dead body has already been handed over to the kin of the deceased for cremation today, which was refuted by Ld. Counsel for the accused. In any case, in these peculiar circumstances, when the family of the accused is under the shadow of Covid-19 and is under quarantine and his father-in-law had also suspected to have died from Covid-19 and the fact that the investigations are still in progress, in these circumstances if the accused is released on interim bail, considering the dominant position of the accused, who is stated to be resident of the same locality as also the local MLA, therefore chances of the accused influencing the witnesses cannot be ruled out. Therefore, no ground for interim bail is made out at this stage. The application stands dismissed.
11. **Nothing expressed hereinabove shall have any bearing on the merits of the case.**

A scanned signed copy of this order is being sent to Sh. Surender Prasad Mandal, Branch Incharge, Computer Branch, Rouse Avenue District Court, New Delhi via WhatsApp / E-mail for further action in terms of the above order.

A copy of the order sheet be retained on record to be put in the judicial file as and when normal court work stands resumed.

The present order has been dictated / sent on phone / whatsapp to Sh. Amit Makhija, Sr. PA attached with the undersigned.


(SANJEEV AGGARWAL)

Special Judge (PC Act) (CBI)-02

Rouse Avenue District Court

New Delhi

05.06.2020