

21.07.2020

Present: Ld. APP for the State Shri Shri Vishvjeet Yadav, (through video-conferencing on CISCO webex).

Ld. Counsel for accused Shri Rishi Chopra (through video-conferencing on CISCO webex).

Accused Prakash Jha @ Golu, s/o Shiv Chander Jha, r/o B-545, 2nd floor, Sudershan Park, Delhi (accused is in JC).

Argument on the bail application have been heard through video-conferencing on CISCO webex.

Counsel for accused has sought release of accused on bail and argued that accused is in JC since 11.07.2020 and the two connected matters regarding which bail application has been moved by the accused have been falsely planted upon the accused. Accused has no previous involvement in any other criminal case except for the two cases which are being heard today. Investigation is complete and accused will join the investigation whenever required by the police or the court.

IO has opposed the bail application on the ground that there is no control of family members of accused upon him and accused can repeat the offence if he released on bail. Initially, IO has stated in the reply that accused is involved in other criminal cases also, however, no such record was filed by the IO. Subsequently, IO has filed criminal history record of accused which shows that there are no pending criminal case against the accused except for the two connected matters which are being heard today.

Ld. APP for the State has opposed the bail application on the ground that accused can repeat similar kind of offence if released on bail and his family has no control over him.



Submissions heard. Record perused.

In view of the above facts and circumstances and taking into consideration the order in Writ Petition (C) No.1/2020, in RE: Contagion of COVID-19 Virus in Prisons and order of Hon'ble High Court of Delhi in WP (C) 2945/2020, interim bail is granted to the accused for a period of 45 days from the date of his release from custody, on furnishing personal bond in sum of Rs.10,000/- to the satisfaction of the jail superintendent concerned subject to the following conditions:

1. That he shall not indulge into similar offence or any other offence in the event of release on bail.
2. That he shall not tamper with the evidence in any manner.
3. That in case of change of his residential address, he shall intimate the court about the same, and
4. That he shall regularly appear before the court on each and every date of hearing.
5. That he will surrender before the authorities concerned after the expiry of 45 days from the day of release.

IO is directed to verify the address of accused and file report before the concerned jail superintendent. Accused be released only after his address has been verified, to the satisfaction of the concerned jail superintendent.

Accused be released from JC if not required in any other case.

Copy of this order be sent to the Jail Superintendent through dispatch rider deputed in the court by the jail, as well as through electronic mode.

Copy of this order be sent to the counsel for accused through electronic mode/ be given dasti if counsel for accused is physically present to receive the copy.

Received


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MOHIT SHARMA
DUTY MM-02/WEST
DELHI/21.07.2020

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