

SC No.12/2021
FIR No.59/2019
PS Burari
U/s 302/365/34 IPC
State Vs. Ajay Kumar & Ors.

09/07/2021

File taken up today on interim bail application for the period of 90 days as per guidelines of High Powered Committee, filed on behalf of accused Arvind Kumar Singh.

(Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).

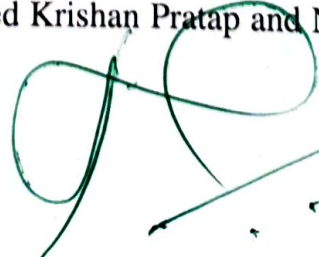
None has joined the proceedings via video conferencing on behalf of the accused.

Ahlmad is absent.

By way of present order, this Court shall disposed of interim bail application of the accused Arvind Kumar Singh for the period of 90 days.

Arguments have already been heard on the aforesaid interim bail application of accused Arvind Kumar Singh. Perused the material available on record.

During the course of arguments on the aforesaid interim bail application, it was submitted by the accused that he is an advocate by profession and he himself argue the present interim bail application. It was further submitted that in terms of directions dated 07/05/2021 given by the Hon'ble Supreme Court of India in Suo Moto Writ Petition No.(C)1/2020 and minutes of H.P.C guidelines dated 04/05/2021 and 11/05/2021, he be released on interim bail for the period of 90 days. It was further submitted that his case falls in the criteria no. (xii) r/w (v) of minutes of HPC guidelines dated 04/05/2021 and 11/05/2021. It was further submitted that he has no involvement in any other case and his jail conduct is good. It was further submitted that he is in J/C in the present case for the period of more than two years. It was further submitted that the interim bail as per HPC guidelines has already been granted to the co-accused Krishan Pratap and Narender Kumar


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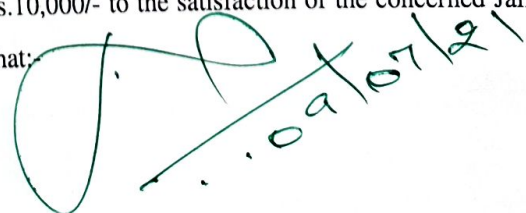
It was further submitted that he shall be abide by all terms and conditions, if the interim bail is granted to him and he shall surrender after the interim bail period.

During the course of arguments on the aforesaid interim bail application, it was submitted by Addl. P.P. for the State that allegations against the accused are serious in nature and present interim bail application of the accused be dismissed.

It is mentioned in the minutes of H.P.C. guidelines dated 04/05/2021 and 11/05/2021 that:-

- “(v) Under trial prisoners (UTPs), who are less than 60 years of age and are in custody for six months or more, facing trial in a case which prescribes a maximum sentence of 10 years or less, subject to the condition that he should not be involved in any other case which prescribes punishment of more than 7 years.*
- (xii) 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.”*

In the present case, charge for the offence u/s 302/365/34 IPC has already been framed against all accused. As per report of the SHO/IO, the accused has no other involvement except the present case. As per report of Jail Superintendent, Jail No. 4, Tihar, New Delhi, the period of custody of the accused is two years as on 06/07/2021 and jail conduct of the accused is good. Case of the accused falls in the criteria no. (xii) r/w (v) of minutes of HPC guidelines dated 04/05/2021 and 11/05/2021. Keeping in view of the directions dated 07/05/2021 given by the Hon'ble Supreme Court of India in Suo Moto Writ Petition No.(C)1/2020 and minutes of H.P.C guidelines dated 04/05/2021 and 11/05/2021 and in view of the submissions made, present interim bail application of the accused Arvind Kumar Singh is allowed and accused is admitted to interim bail for the period of 90 days on furnishing personal bond in the sum of Rs.10,000/- to the satisfaction of the concerned Jail Superintendent subject to the conditions that:


04/07/21

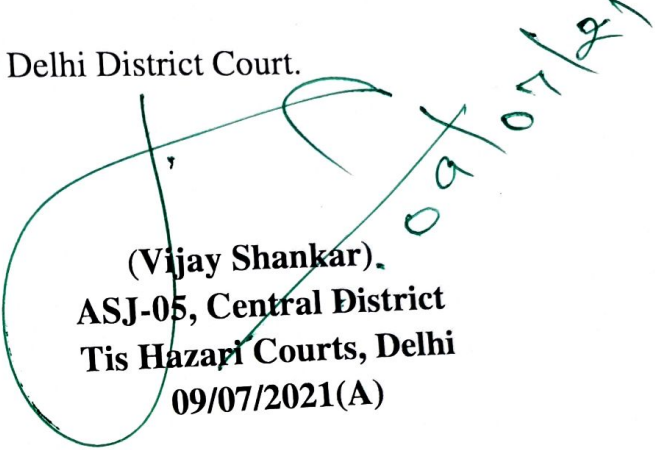
- i) Accused shall not flee from the justice;*
- ii) Accused shall not tamper with the evidence;*
- iii) Accused shall not threaten or contact in any manner to the prosecution witnesses;*
- iv) Accused shall not leave the country without permission of the Court;*
- v) Accused shall convey any change of address immediately to the IO and the court;*
- vi) Accused shall also provide his/her mobile number to the IO;*
- vii) Accused shall mark his/her attendance before the concerned IO (and if IO is not available then to concerned SHO), every week preferably on Monday through mobile by sharing his/her location with the SHO/IO;*
- viii) Accused shall further make a call, preferably by audio plus video mode to concerned IO (and if IO is not available then to concerned SHO) once in 15 days preferably on Monday between 10:00 AM to 5:00 PM;*
- x) Accused shall keep his/her such mobile number 'Switched On' at all the time, particularly between 8:00 AM to 8:00 PM every day;*
- x) Accused shall not indulge in any kind of criminal activities;*
- xi) Accused shall follow Covid-19 protocol/guidelines issued by Central Government/State Government/Competent Authorities;*
- xii) The period of interim bail of 90 days shall commence from the date of release of the accused from Jail;*
- xiii) Accused shall surrender before the concerned Jail Superintendent after expiry of interim bail period;*

A copy of this order be sent to the concerned Jail Superintendent through e-mail for information and necessary action and for supplying the same to the accused. Copy

[Handwritten signature]
[Handwritten date: 07/21]

of order be also sent to DLSA, Central District, Delhi. Copy of order be also sent to SHO/IO for compliance.

Order be uploaded on the website of Delhi District Court.


(Vijay Shankar).
ASJ-05, Central District
Tis Hazari Courts, Delhi
09/07/2021(A)