

B.A.No. 136/2021
FIR No. 88/2019
PS NDRS
State v.Sachin Paswan
U/s 323/342/365/384/395/397/34 IPC

24.07.2021

Present: Sh. K.P. Singh, Ld Addl. PP for State with IO through videoconferencing.

Sh. Chirag Khurana, Ld. Counsel for accused-applicant through videoconferencing.

Hearing is conducted through video conferencing.

This is an application u/s 439 Cr.P.C. for grant of interim bail on behalf of accused-applicant Sachin Paswan in case FIR No. 88/2018.

Arguments heard. For orders, put up at 4 pm.



(NeeloferAbidaPerveen)
SpecialJudge-02, NDPS/
ASJ, (Central), THC/Delhi
24.07.2021

At 4 pm
ORDER

This is an application u/s 439 Cr.P.C. for grant of interim bail on behalf of accused-applicant Sachin Paswan in case FIR No. 88/2018.

Ld. counsel for the accused-applicant contended that

mother of the accused-applicant is suffering from multiple ailments and has not been keeping well that it is the accused-applicant who had been taking care of her and that the brothers of the accused-applicant live separately and are unable to take proper care of the mother particularly in these Covid times. That the accused-applicant made telephonic calls to his brother from call facility from jail and has informed that the cases of Covid-19 are on a rise in the jail and his barrack is adjacent to the barrack which has been converted into a quarantine centre for all the patients who have been found to be covid Positive. That the medical documents pertaining to the mother have been verified, and hence the accused-applicant may be granted the concession as there is no one to take care of his ailing mother as all the other brothers live at different addresses.

Ld. Addl. PP on the other hand, submitted that accused-applicant has played an active role in the commission of offence. That accused-applicant does not have clean antecedents. That accused-applicant and his co-accused are habitual offenders. That accused-applicant with co-accused has withdrawn money from the account of complainant by using his ATM card while keeping under threat the son of the complainant. As per report of the IO, medical documents of the mother of the accused-applicant have been verified. That the mother of the accused-applicant is suffering from old age ailments. That as per reply of the IO, there

are three brothers of the accused-applicant who can take care of the mother of the accused-applicant.

Heard.

Interim bail is being sought for the purposes of treatment of the mother of the accused-applicant. on the query of the Court as to for what specific ailment treatment is to be obtained for the mother of the accused-applicant, Ld. Counsel for the accused-applicant submitted that the ailments are mentioned in the medical record annexed which now stands verified. I have gone through the medical record relied upon. It emerges that the mother of the accused-applicant underwent eye surgery six months ago and received treatment on the complaint of cough and cold on 26.4.2021. There is no hospitalization or surgical procedure advised for the treatment of any ailment/medical condition. The accused-applicant is not the only son, the accused-applicant are four brothers, and as per report of IO, whereas two of the brothers are living with their families with the father at Gonda, another elder brother of the accused-applicant with his wife is living with the mother at Loni.

Interim bail can alone be granted in compelling circumstances and in such extraordinary exigencies where personal presence of the accused would be absolutely indispensable. In the case in hand, however, the personal presence of the accused-applicant is not absolutely necessary as

the mother of the accused-applicant is receiving treatment as OPD patient for ailments from time to time and as such is not suffering from any life threatening condition, there is no hospitalization advised no surgical procedure prescribed, there are other brothers of the accused-applicant who can take care of the mother of the accused-applicant and the mother of the accused-applicant is living with one of the married brothers of the accused-applicant. The application is accordingly dismissed.

Copy of order be forwarded to Ld.Counsel for accused-applicant through electronic mode.



(NeeloferAbidaPerveen)
SpecialJudge-02, NDPS/
ASJ, (Central), THC/Delhi
24.07.2021

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24.07.2021

Present: Sh. K.P. Singh, Ld Addl. PP for State through
videoconferencing.

Ld. LAC for the accused-applicant.

Hearing is conducted through video conferencing.

This is an application u/s 439 Cr.P.C. for grant of
regular bail on behalf of accused-applicant Sachin Paswan in case
FIR No. 88/2019.

The application was being adjourned from time to time
as one application for interim bail on behalf of the accused-
applicant was pending consideration which has now been
dismissed today and in view thereof list the application for
consideration on **01.08.2021**.

Copy of order be forwarded to Ld.Counsel for accused-
applicant through electronic mode.



(NeeloferAbidaPerveen)
SpecialJudge-02, NDPS/
ASJ, (Central), THC/Delhi
24.07.2021