

# Ashok Singh Bhadauria vs Central Bureau Of Investigation on 14 August, 2020

**Author: Anu Malhotra**

**Bench: Anu Malhotra**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ CRL.A. No.382/2020 and Crl.M.(Bail) Nos. 7777/2020 and 7778/2020

ASHOK SINGH BHADAURIA ..... Appellant  
Through: Mr.Mohit Mathur, Sr. Advocate with  
Mr.Rajesh Mishra, Mr.Amit Tiwari  
and Mr.Adarsh Verma, Advocates  
versus

CENTRAL BUREAU OF INVESTIGATION..... Respondent  
Through: Mr. Nikhil Goel, SPP for CBI with  
Mr. Dushyant Sarna

CORAM:  
HON'BLE MS. JUSTICE ANU MALHOTRA  
ORDER

% 14.08.2020  
(Hearing through Video Conferencing)  
Crl.M.(Bail) 7777/2020

The matter is taken up qua the Crl.M.(Bail) 7777/2020 which is an application filed by the applicant seeking the interim suspension of sentence for a period of six months submitting to the effect that the applicant's wife's surgery is scheduled for 25.8.2020 as per her examination that has been conducted at Parmarth Mission Hospital, 23/7, Shakti Nagar, Delhi.

Vide order dated 31.7.2020, the response of the CBI inter alia to the said application as well as qua the condition of the applicant's parents and minor children was called upon and the status report has been submitted by the CBI.

The status report dated 13.8.2020 under the signatures of Inspector Ganesh Shankar, CBI, Lucknow has been submitted. As per the said status report the medical documents that have been placed on record qua the ailment wife of the applicant have been verified. Though there is strenuous opposition on behalf of the CBI to the prayer made by the applicant in relation to the ailment of the wife of the applicant, it has been submitted inter alia to the effect that the petitioner's wife as per the averments made in the application that the applicant's wife suffered from a fall from a bus in the month of March 2020, the attempt for getting her medically treated was made only on 20.4.2020 at

Etawah and even though the doctor advised to the effect that she be admitted, i.e., admitted to a hospital for her ailment, the present application has been filed as a ploy that the applicant be released on interim bail and may thereafter seek further extension of interim bail.

Through the status report that has been submitted on behalf of the CBI, it is further indicated that the elder brother of the applicant and his wife reside in the same house along with their two children where the appellant's family has since shifted his parental house at 220, Professor Colony, in front of KKDC Pakka Talab, Etawah, U.P. It has thus been submitted on behalf of the CBI that it cannot be contended that there is no one in the family to look after the applicant's wife.

There were submissions that have been made through the application that the applicant has two children aged 16 years and 14 years, his father is aged 80 years suffering from diabetes and spinal problem, the mother of the applicant is aged 76 years also suffering from heart disease, blood pressure and diabetes and in view of the applicant's wife requiring a surgery is unable to take care of her in-laws and there is the sister of the applicant and she is taking care of her parents and family members.

Without going into the aspect of consideration of merits or demerits of the appeal, in as much as the appellant has been convicted vide the impugned judgment 4.3.2020 of the learned District & Sessions Judge(West) in relation to the SC No. 446/2019 qua the offences punishable under Section 120B read with Sections 166/ 167/ 193/ 201/ 203/ 211/ 218/ 223/ 341/ and 304 of the Indian Penal Code, 1860 and Section 3 of the Arms Act, 1959, taking into account the verified factum of the ailment of the applicant's wife and the factum that the documents that have been submitted by the petitioner as issued by the Parmarth Mission Hospital, 23/7, Shakti Nagar, Delhi, have not been disputed by the CBI which as per annexure A-3, with the application on record is the date of surgery of the wife of the applicant being 25.8.2020, taking into account the undertaking given on behalf of the petitioner by learned senior counsel for the petitioner that the petitioner in the event of grant of interim bail for the surgery of his wife being would not seek the extension of interim bail on the ground of COVID 19 being in existence presently nor in view of the orders dated 13.7.2020 in W.P.(C) No. 3037/2020 nor in terms of order dated 4.8.2020 of the Hon'ble Division Bench of this Court in W.P.(C) No. 3080/2020 in as much as it is submitted on behalf of the petitioner that he would not seek the extension of interim bail on the grounds of COVID 19 in terms of the said orders, in the interest of justice, the applicant is allowed to be released on interim bail for a period of 10 days from the date of his release on his furnishing a personal bond in the sum of Rs.1,00,000/- with one surety of the like amount to the satisfaction of the Registrar General of this Court subject to the conditions that:-

the applicant shall not leave the city of Delhi; the applicant shall keep his mobile on at all times and also drop a pin on Google map to ensure that his location is available to the Investigating Officer at all times;

the applicant shall mark his telephonic presence to the Investigating Officer of the case every third day by 11:30 a.m. during the period that he is on interim bail and; the applicant shall give the detail of his address where he resides in Delhi to the

Investigating Officer on his release from the jail.

Furthermore, an apprehension is expressed on behalf of the CBI that the surgery as stipulated may not be performed, in relation thereto it is directed that the CBI shall submit a status report on the date 26.8.2020 to the Court as to whether or not surgery of the applicant's wife was performed on 25.8.2020.

The matter be thus renotified for the date 26.8.2020.

ANU MALHOTRA, J AUGUST 14, 2020/SV