

B. Mohanraj vs The State (Govt. Of Nct Of Delhi) on 18 January, 2022

Author: Manoj Kumar Ohri

Bench: Manoj Kumar Ohri

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IN THE HIGH COURT OF DELHI AT NEW DELHI

BAIL APPLN. 4275/2021

B. MOHANRAJ

Through: Mr. Avishkar Singhvi, Advoca
Mr. K. Krishna Kumar, Mr. Nipun Katya
Ram Thilak, Advocates.

Versus

THE STATE (GOVT. OF NCT OF DELHI)

..... Responden

Through: Mr. Hirein Sharma, APP for State
Mr. Aditya Dewan, Advocate for complainant.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

(VIA VIDEO CONFERENCING)

ORDER

% 18.01.2022

1. The present bail application has been filed under Section 439 Cr.P.C. on behalf of the applicant seeking interim bail in FIR No. 208/2021 registered under Sections 170/384/386/388/419/420/506/120B IPC and Section 66D of the IT Act at P.S. Special Cell, later transferred to EOW, Delhi, on the ground that the applicant is in judicial custody since 05.09.2021 and the wife of the applicant has delivered a girl child on 26.10.2021.

2. Learned counsel for the applicant submits that the applicant, who is a lawyer by profession, has not seen his new born child and the father of the applicant is also suffering from various diseases. In this regard, he has referred to certain medical documents, which have been placed on record.

3. Learned APP for the State, on the other hand, has vehemently opposed the prayer for grant of interim bail. He submits that the charge sheet in the present case has been filed under Sections 170/186/384/386/388/419/420/406/409/468/471/353/506/120B IPC, Section 66D of the IT Act and Sections 3/4 of the Maharashtra Control of Organised Crime Act (MCOCA), 1999 and the investigation is still pending. He further submits that the verification of the relevant medical documents has been carried out and it has been verified that the applicant's wife had delivered a girl child on 26.10.2021. He also submits that there is no emergent health condition with the applicant's father.

4. As per the Status Report dated 06.01.2022 placed on record, the medical documents annexed with the bail application have been verified. It has been stated that at the time of visit to the applicant's house in September, 2021, the parents of the applicant were found to be in normal health status. It is further mentioned that the applicant's sister is residing in her own marital home at Kanchipuram. In the Report, it is also noted that in respect of the applicant's father, the concerned Doctor has opined as follows:-

"This is to certify that Mr. Bhoopalan, 60 Yrs. (approx.) male, F/o B. Mohanraj, a case of old CVA (Stroke) with left hemiparesis, right basal ganglia and corona radiate infarct in 2015, type 2 Diabities mellitus, systemic hypertension. Patient is on anti-platelets (blood thinner) diabetic medication/anti hypertensive. Recently on 06.12.21, consulted in our OPD Department with complaint of acute low back pain (Sciatica) and he was ambulant (he was able to walk)"

5. Keeping in view the facts of the case and the stage of the investigation, this Court is not inclined to release the applicant on interim bail.

6. At this stage, learned counsel for the applicant, on instructions, prays that purely on humanitarian ground, the applicant may be granted custody parole for one day. He, on instructions, also submits that if so permitted, all the expenses and cost incurred in the travel from Delhi to Chennai will be borne by the applicant.

7. Learned APP for the State submits that he has no objection if the applicant is granted custody parole for a day.

8. In view of the above, it is directed that the applicant be taken in custody on 24.01.2022 to his residence i.e. 5/75, Bajanai Koli Street, Ramapuram, Chennai, Tamil Nadu and brought back on the same day, at the cost and expense of the applicant.

9. With the above directions, the bail application is disposed of.

10. A copy of this order be communicated electronically to the concerned Jail Superintendent for information and necessary compliance.

11. Copy of the order be also uploaded on the website forthwith.

MANOJ KUMAR OHRI, J JANUARY 18, 2022 p'ma [Click here to check corrigendum](#), if any