Note II – Grounds for Bail1

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| Dates | Particulars | References |
| 05.06.2014 | Unless the statement of prosecutrix is completed, it’s not a fit case to grant accused / applicant Bharat Rawat interim bail at this stage before conclusion of the prosecutrix statement. However, interim bail of accused has been moved for two months due to illness of his father and for the purpose to attend the marriage of his sister which will take place on 20th June, 2014. Accused is allowed to attend his sister’s marriage in police custody along with requisite police manpower. **[Raj Kapoor, A.S.J.-03, PATIALA HOUSE COURT / NDD, New Delhi]** |  |
| 13.06.2014 | Statement of complainant has been recorded, and petitioner is the only male member in the family. His father is suffering from Hepatitis – C and isn’t in the position to actively engage in making arrangements for the marriage ceremonies. Petitioner has given an undertaking that he shall not interfere in course of justice and shall abide by any condition as may be imposed by the State. Subject to furnishing a bail bond in the sum of Rs. 25,000/- with one surety in like amount, he shall be released on bail for a period of one week from 18th June 2014 (marriage on June 20, 2014) **[Gita Mittal, Vacation Judge, HIGH COURT]** |  |
| 20.10.2014 | Ld. Counsel for the accused submits that accused is the only brother of Aarti and on account of Diwali and Bhai Duj festival, and is presence being indispensable due to family traditions. Reason: Since the accused has complied with the Interim bail order conditions dated 13.06.2014, therefore accused is admitted on interim bail for a period of 10 days w.e.f. 21-10-2014 to 31.10.2014, on furnishing bail bond in the sum of Rs. 50,000 and surety in like amount. **[Raj Kapoor, A.S.J.-03, PATIALA HOUSE COURT / NDD, New Delhi]** |  |
| 12.01.2015 | On careful consideration to the submissions of the counsels, since prosecutrix is yet to be examined in whole and since contentions of the Ld. Counsel for accused are not sustainable under present facts and circumstances, bail not granted.**[Raj Kapoor, A.S.J.-03, PATIALA HOUSE COURT / NDD, New Delhi]** |  |
| 07.11.2015 | The accused has applied for bail on the ground that there is Tika ceremony of the son of the sister of the accused, who is her only brother. The accused was released on interim bail on similar ground for attending festivals of Diwali and Bhaiya Duj earlier. There is no report that he misused his liberty, hence accused is admitted to interim bail subject to furnishing bond in sum of Rs. 50,000/- with a surety in like amount for 7 days w.e.f. 9.11.2015 to 15.11.2015.**[Devendra Kumar Sharma, A.S.J, F.T.C., Court No. 7 PATIALA HOUSE COURT, New Delhi]** |  |
| 12.01.2016 | Accused raised a number of grounds –   * Accused has been in JC since 19.08.2013. Charge-sheet has been filed and charges have been framed. Prosecution evidence started on 27.01.2014 but on difference occasions, matter was adjourned either because of non-filing of FSL result or because of absence of prosecutrix. * Prosecutrix, on date has already been examined. * There is material contradiction in testimony of the prosecutrix. * During pendency of the matter, the accused was released on interim bail on 3 occasion but there is no report of misuse by the accused of the liberty so granted. * Due to long custody, accused has very serious repurcussions on his mental and physical state * There is nobody in the family to look after the aged parents.   Judge observed: It is a trie principle of law that while granting bail the Court has to keep in mind (a) the nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made; (b) antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of cognizable offence (c) the possibility of the applicant to flee from justice; (d) the possibility of the accused’s likelihood to repeat similar or other offences; (e) where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her; (f) impact of grant of bail particularly in cases of large magnitude affecting a very large number of people; (g) the court should consider reasonable apprehension of tampering of the witnesses or apprehension of threat to the complainant and any other aspects of the case should be taken into consideration while granting bail.  In light of settled proposition of law and the facts and circumstances of the present case, considering the fact that prosecutrix and other material public witnesses have already been examined, accused is in JC for more than 2 years – bail granted subject to furnishing personal bond in sum of Rs. 50,000 with one surety in like amount. |  |