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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 4842/2024**

MOHD. JUBER

.....Petitioner

Through: **Mr. Prakash Priyadarshi, Advocate.**

versus

STATE OF NCT OF DELHI

.....Respondent

Through: **Mr. Aman Usman, APP for State with
SI Anil, P.S.Seemapuri.**

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

27.12.2024

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CRL.M.A. 39335/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. The Application is disposed of.

BAIL APPLN. 4842/2024

1. The Application under *Section 483* of the *Bharatiya Nagarik Suraksha Sanhita, 2023* (hereinafter the 'BNSS') has been filed for extension of Interim Bail for a period of one month in FIR No.863/2021, at P.S. Seemapuri, under *Sections 302/120B/201/34 of the Indian Penal Code, 1860* (hereinafter 'IPC').
2. ***It is submitted on behalf of the Applicant*** that the Interim Bail be extended on account of the mental ailment of wife for a considerable period who is currently undergoing treatment at IHBAS Hospital, Delhi and had even been admitted there on account of an uncontrollable behaviour. Further, that the son, Mohd. Maaz Alvi, had suffered a dog bite and is getting vaccinated for the same which would



continue till 13.01.2025. Lastly, that the admission forms have been applied for the daughter, Sadaf Alvi, in two nursery schools and the list is likely to be out by 10.01.2025. So, it is prayed that the Interim Bail which has been granted till 10.01.2025 be extended by another month.

3. Learned counsel for the Petitioner further submits that there is no one to take the son, aged about seven years, to take him to the Hospital for regular vaccinations. The wife, who is suffering several behavioural issues, gets violent occasionally and at times even causes injury to the children. Also, proper arrangements have to be made for the admission of the daughter. Thus, the extension of bail is sought.

4. ***Learned Prosecutor has submitted*** that the charges against the Petitioner are serious and that 7 witnesses out of 42 have been examined and there is a likelihood of his influencing other witnesses. It is further submitted that there are father and brother of the Petitioner who can very well take the child for his vaccination. The Application for extension of the Interim Bail is accordingly, opposed.

5. **Submissions Heard and record perused.**

6. It emerges from the record that the ailment of the wife has been continuing since 2021 and she has been under regular treatment. Presently she is on medication. The examination forms of the daughter have already been submitted and the tentative list is expected to come around 10.01.2025, which does not require any active involvement of the Applicant. The vaccination of the son is also not such an incident that requires extension of Interim Bail especially when there are other family members available to take the child for



vaccination.

7. In view of the above discussion, no ground is made out for extension of Interim Bail and the Application is hereby dismissed.

**NEENA BANSAL KRISHNA
(VACATION JUDGE)**

DECEMBER 27, 2024
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