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

+ **CRL.M.C. 1438/2021**

AZAD KHAN

..... Petitioner

Through: Mr. Bilal Anwar Khan and Ms. Anshu Kapoor, Advocates

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Ms. Radhika Kolluru, APP for State

CORAM:

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI
(VIA VIDEO CONFERENCING)**

ORDER

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08.07.2021

1. The present application has been filed under Section 482 Cr.P.C. read with Section 440 Cr.P.C. on behalf of the petitioner seeking modification of the condition imposed vide order dated 24.04.2021.

2. Learned counsel for the petitioner submits that despite passing of the order dated 24.04.2021, vide which the petitioner was admitted to regular bail in FIR No. 305/2020, registered under Sections 379/356/34 IPC at Police Station Khajuri Khas, Delhi, he could not avail the benefit of the same till date. He further submits that the order dated 24.04.2021 was subsequently modified by the trial Court vide order dated 08.06.2021 to the extent that the petitioner was directed to be released on bail on his furnishing bond in the sum of Rs.5,000/- with one surety of the like amount. Learned counsel further submits that despite the aforesaid modification, the petitioner has not been able to avail of the benefit of regular bail. He submits that the

petitioner being a labourer is unable to even furnish the surety bond of Rs.5,000/- . He further submits that the petitioner was also granted bail in FIR No. 122/2020 registered under Sections 147/148/149/427/34 IPC & Sections 3/4 of the PDPP Act and FIR No. 105/2020 registered under Sections 147/148/149/188/427/435/436/34 IPC & Sections 3/4 of the PDPP Act both at Police Station Khajuri Khas vide orders dated 28.02.2020 and 26.02.2020 respectively. He submits that the petitioner could manage surety bond(s) in FIR No. 122/2020 and FIR No. 105/2020 however, a third surety for the requisite amount could not be arranged and for which reason he continues to be in jail.

3. On the last date of hearing, learned APP for the State, had expressed an apprehension that there is no address verification and sought time to verify the same.

4. A Status Report has been placed on record as per which, it has been verified that the petitioner's father is presently residing on rent at 578/3, *Vijay Park, Mohanpuri School, Maujpur, Delhi* and also provided his mobile number 9205764685. It is submitted that being a labourer, he is likely to shift to another tenanted accommodation.

5. Accordingly, for the reasons stated in the application and in view of the submissions made by learned counsel for the petitioner, the order dated 24.04.2021 as modified by the order dated 08.06.2021, stands further modified to the extent that the petitioner be released on bail on his furnishing only a personal bond in the sum of Rs.5,000/- to the satisfaction of the concerned Jail Superintendent/Duty M.M. and subject to following conditions which are in addition to the conditions imposed vide order dated 24.04.2021:-

- (i) The petitioner shall not leave the NCT of Delhi without prior permission of the concerned Court.
- (ii) The petitioner shall remain available on mobile number: 9205764685, which he undertakes to keep operational at all times during the pendency of the trial.
- (iii) In case of change of residential address or contact details, the petitioner shall promptly inform the same to the concerned I.O. as well as to the concerned Court.

6. The petition stands disposed of in the above terms.
7. Copy of the order be communicated to the concerned Jail Superintendent electronically for information.
8. Copy of the order be uploaded on the website forthwith.

MANOJ KUMAR OHRI, J

JULY 8, 2021

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[Click here to check corrigendum, if any](#)