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

CNR No. DLHC010288792026

+ **BAIL APPLN. 2565/2026**

RAFIQ @ ROKA

.....Petitioner

Through: Mr. Rahul Thakur, Adv.

versus

THE STATE (N.C.T. OF DELHI)

.....Respondent

Through: Mr. Manoj Pant, APP
SI Joginder Kumar, PS Mahendra
Park

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

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25.08.2026

1. This hearing has been done through hybrid mode.
2. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), seeking grant of regular bail to the petitioner in **FIR No. 434/2020**, registered at Police Station Mahendra Park, Delhi, for offences punishable under Sections 186/353/332/34 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC').
3. Learned counsel appearing for the petitioner submits that the petitioner was initially granted regular bail in the present case vide order dated 24.08.2021. It is submitted that the petitioner was thereafter declared a Proclaimed Offender and was subsequently arrested. He has been in judicial



custody since 08.05.2024. It is further submitted that a substantial part of the trial has already been concluded and most of the prosecution witnesses have been examined. Learned counsel submits that the continued incarceration of the petitioner is, therefore, not warranted, particularly when the trial is likely to take considerable time to conclude.

4. *Per contra*, learned APP for the State strongly opposes the present application. It is submitted that he has approximately 69-70 criminal involvements in different cases. It is further submitted that the petitioner had earlier been granted bail in the present case in the year 2021, but subsequently failed to appear before the learned Trial Court despite repeated opportunities, warrants having been issued, and was ultimately declared a Proclaimed Offender. He was thereafter apprehended by the Special Staff in May 2024 and has remained in custody since then. Learned APP submits that the conduct of the petitioner demonstrates that he has repeatedly misused the liberty granted to him by the Court and, if released on bail, there is a likelihood of his again absconding and evading the process of law.

5. I have heard both the parties and perused the material on record.

6. It is not in dispute that the petitioner had earlier been granted regular bail in the present case vide order dated 24.08.2021 and had misused the liberty of bail granted to him and was declared proclaimed offender.

7. No doubt, in several of the criminal antecedents of the petitioner, he has been discharged. However, the fact remains that there are 69 criminal cases lodged against the petitioner in various States. Further, in the present case, one Malkhana In-charge is yet to be examined.

8. Though the proceedings arising out of the petitioner having been declared a Proclaimed Offender may have been initiated separately, the fact



remains that certain witnesses in the supplementary charge-sheet are yet to be examined. More importantly, the conduct of the petitioner, as borne out from the record, shows that he has repeatedly misused the liberty granted to him by the Court.

9. This Court is of the view that, considering the previous conduct of the petitioner, his having earlier absconded after being granted bail, his being declared a Proclaimed Offender, and the substantial number of criminal involvements reflected on record, there is a reasonable apprehension that, if released on bail at this stage, the petitioner may again evade the process of law.

10. In view of the aforesaid facts and circumstances, this Court is not inclined to grant bail to the petitioner.

11. Accordingly, the present bail application is dismissed.

12. The observations made hereinabove are confined to the adjudication of the present bail application and shall not prejudice the merits of the trial.

13. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

AUGUST 25, 2026/prg/sd