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

+ **BAIL APPLN. 661/2018**

MOHD QUMER AHMED

..... Petitioner

Represented by: Mohd. Farhan Khan,
Mr. M.C.Dhingra & Umair
Siddiqui, Advocates

versus

STATE (NCT OF DELHI)

..... Respondent

Represented by: Ms. Menakshi Chauhan, APP
for State with Inspector
Josepha Kujur, DIV/SED

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

18.04.2018

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By this petition, the petitioner seeks regular bail in FIR No. 133/2009 under Sections 419/420/463/471/34 IPC registered at Police Station, Jamia Nagar. The allegation against the petitioner is that he was one of the eight persons where the examination was being given by some other accused namely Ajay in lieu of payment of money. Petitioner was arrested in the above noted FIR on 27th May, 2016 and vide order dated 22nd June, 2016 passed by this court he was released on bail. Though after filing of the charge sheet, during the course of trial, the petitioner had appeared on a number of dates but when he continuously absented on two dates, the learned Trial court was constrained to issue non-bailable warrants against the petitioner. The non-bailable warrants and the process under

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Section 82 Cr.PC could be executed only on 15th March, 2018.

Learned APP for the State opposing the application submits that even in the present petition, the petitioner has given his permanent address as that of Alam Ganj, Patna, Bihar. However, when the process under Section 82 Cr.PC was to be executed only father of the petitioner was found residing there. The petitioner has shifted to various places but gave no intimation. Learned APP further submits that the surety of the petitioner could not be served when the process was to be executed. Learned counsel for the petitioner contends that since the petitioner is a B-Tech he has to live wherever he gets the job and while on bail when got the job he shifted from Patna.

Considering the fact that the petitioner was not available at the permanent address for the reason he had joined the job outside and also attended the trial court proceedings, this court deems it fit to grant bail to the petitioner but with stringent conditions.

It is, therefore, directed that the petitioner be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with two surety bonds of the like amount, subject to the satisfaction of the Trial Court, further subject to the condition that one of the surety bonds furnished would be of a family member of the petitioner i.e. either his father or brother. It is further directed that the petitioner will not leave the country without prior permission of the Court concerned and in case of change of residential address, the same will be intimated to the learned Trial Court by way of an affidavit.

In case the petitioner does not give the present address where he would be residing or does not inform the change in address the learned Trial Court would be at liberty to cancel the bail granted to the petitioner.

Petition is disposed of.

Order Dasti.

MUKTA GUPTA, J.

APRIL 18, 2018

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