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

% Judgment delivered on: 30.05.2018
+ BAIL APPLN. 1027/2018

ABUZAR Petitioner

versus

STATE GOVT OF NCT OF DELHI Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Salil Bhattacharya, Advocate.

For the Respondent : Ms. Neelam Sharma, APP for the State.
SI Rohit Kumar, PS Jamia Nagar.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

30.05.2018

SANJEEV SACHDEVA, J. (ORAL)

Crl.M.A.8526/2018 (exemption)

Exemption is allowed subject to all just exceptions.

BAIL APPLN. 1027/2018

1. Petitioner seeks regular bail in FIR No.263/2013 under Sections 376/506 IPC and Sections 4/6 of POCSO Act, Police Station Jamia Nagar.

2. Petitioner was granted regular bail by the Trial Court on

06.04.2017. Thereafter, the trial was progressing. However, on 07.07.2017, since the petitioner failed to appear, non-bailable warrants were issued.

3. The petitioner, on 17.07.2017, appeared before the Trial Court and applied for cancellation of non-bailable warrants. The ground cited by the petitioner, for non appearance, was that he was suffering from typhoid and, as such, could not appear before the Trial Court on 07.07.2017. The Trial Court while observing that the certificate pertained to a period of one week from 22.06.2017 declined to accede to the request of the petitioner for cancellation of the non-bailable warrants and took the petitioner in custody and remanded him to judicial custody. The petitioner has been in custody since then.

4. Learned counsel for the petitioner submits that the petitioner was suffering from typhoid and, as such, could not appear before the Court only on one date. However, he appeared before the Court on 17.07.2017 and duly applied for recall of the said order of issuance of non-bailable warrant. Learned counsel for the petitioner on behalf of the petitioner undertakes to appear before the Trial Court as and when the matter is listed before the Trial Court.

5. Keeping in view the facts and circumstances of the case and the fact that the petitioner had earlier been released on bail on 06.04.2017 and, on account of non-appearance of one date, has been taken in custody, I am of the view that it is a fit case for grant of regular bail to

the petitioner.

6. Accordingly, on petitioner furnishing a bail bond in the sum of Rs. 20,000/- with one surety of the like amount to the satisfaction of the trial court, the petitioner is directed to be released on bail, if not required in any other case. The petitioner shall duly appear before the Trial Court as and when the case is listed before the Trial Court. The petitioner shall not do anything which may prejudice either the investigation or the prosecution witnesses. The petitioner shall not make any endeavour to contact the prosecutrix or her family members.

7. Order Dasti under the signatures of the Court Master.

MAY 30, 2018
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SANJEEV SACHDEVA, J