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

+ **BAIL APPLN. 1149/2018**

M SHANKAR

..... Petitioner

Represented by: Mr. Ashim Shridhar and Mr.
Shashi Pratap Singh,
Advocates.

versus

STATE

..... Respondent

Represented by: Ms. Meenakshi Dahiya, APP
with SI Brahmo Devi, PS South
Campus.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

19.07.2018

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1. By this petition, the petitioner seeks bail in case FIR No. 377/2015 under sections 354/354A/506 IPC registered at PS South Campus on the complaint of one "X". The allegations of the complainant were in respect of harassment by the petitioner by calling her on the mobile phone and taking her away to the park from the school by catching hold of her hand and threatening her to listen to him, pick up his call as and when he called. Petitioner was initially arrested on 17th July, 2015 and was directed to be released on bail on 3rd August, 2015. As per the order sheet annexed the petitioner was regularly attending the trial, however, absented himself from May, 2017 when non-bailable warrants were issued against him. Since the petitioner could not be arrested, proceedings under Section 82 Cr.P.C.

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were initiated, however, before the process could be completed the petitioner surrendered on 14th November, 2017 and is in custody since then. The petitioner filed an application for grant of bail which was dismissed by the learned Trial Court on 3rd May, 2018.

2. The explanation of the petitioner for non-appearance before the Court was that there was a dispute between the petitioner and his father, who threw him out of the house and since the petitioner was not residing with the parents thus did not attend the proceedings.

3. Learned counsel for the petitioner submits that any stringent condition can be put on the petitioner which he would abide. Petitioner also undertakes to reside with his parents during the period of bail granted to him.

4. The learned Trial Court while dismissing the bail application noted that two contrary submissions were made by the petitioner i.e. firstly that the father had thrown him out of the house, secondly, the petitioner would be residing with his parents. There is nothing contrary in these two submissions for the reason though the father must have thrown him out of house initially it is not uncommon that the parents would receive back the child again.

5. Considering the fact that out of 10 witnesses only 3 witnesses have been examined and the trial is likely to take some time, this Court deems it fit to grant bail to the petitioner.

6. It is, therefore, directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with two surety bonds of the like amount, subject to the satisfaction of the learned Trial Court, one surety bond being of a family member of the petitioner i.e. either of the parents, further subject to the condition that after release on bail as stated by

the learned counsel for the petitioner, the petitioner would reside with his parents and in case of change of residential address the same will be intimated to the Court by way of an affidavit and the petitioner would report to the concerned SHO on every alternate Monday at 5:00 PM.

7. Petition is disposed of.

8. Order dasti.

MUKTA GUPTA, J.

JULY 19, 2018

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