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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 1680/2018**
MOHIT JAIN @ RAHUL Petitioner

Through: Mr. Tej Pratap and Mr. Kaushal
Kumar, Advocates.

versus

STATE (GOVT. OF NCT OF DELHI) Respondent
Through: Mr. Amit Gupta, APP for State.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **05.10.2018**

The petitioner seeks regular bail in case FIR No. 530/2016 registered under section 363/376D/34 IPC & sections 4/6/8 of POCSO Act at Police Station Kotla, Mubarakpur.

Since the petitioner had not appeared before the Trial Court on 03.05.2018, Non-Bailable Warrants were issued against him. However, the same were returned back unexecuted with the report that the landlord had stated that the accused had vacated the tenanted premises five to six months ago; furthermore a statement had been given by the petitioner's brother Deepak Jain on 30.05.2018, that the petitioner who was earlier residing with him had moved out. It is in these circumstances that his bail was cancelled because the Trial Court was of the view that non-appearance of the accused and his chances of absconding/fleeing from justice, could not be ruled out.

It is the petitioner's case that the moment he got to know that his bail

had been cancelled and a NBW had been issued, he reported before the Trial Court on 31.05.2018 and moved an application seeking recall of Non-Bailable Warrants. However, the same was dismissed.

The learned counsel for the petitioner submits that due to confusion of the date, on account of the petitioner having suffered a physical injury and lack of specific communication with his erstwhile counsel, there was a default in appearance on behalf of the petitioner on 03.05.2018. He further submits that the petitioner had otherwise not misused the liberty granted to him since 05.10.2016, his conduct would show that he was scrupulously appearing before the Court on every date; that the default on 03.05.2018 was inadvertent and for the aforesaid reason and such inadvertence he be not visited with such precipitate consequences, as to deprive him of his liberty.

The Court is of the view that the petitioner who had been on bail from 05.10.2016 till 03.05.2018 had otherwise not misused the liberty granted to him. In the circumstances, the petitioner is granted bail on his furnishing a personal bond in the sum of Rs.25,000/- with two sureties of the like amount to the satisfaction of the Trial Court, subject to the following conditions:-

1. He shall furnish his telephone number to the SHO concerned, which the petitioner shall keep operational at all times.
2. He shall report to the SHO, concerned Police Station, Kotla, Mubarakpur, Delhi, once a month.
3. He shall not default in appearance before the Trial Court.
4. In case of change of the phone numbers or address, the petitioner shall inform the police forthwith.

The petitioner shall also file an affidavit of his present address before the Trial Court.

The petition stands disposed-off in the above terms.

A copy of this order be delivered upon the Jail Superintendent concerned through the State.

NAJMI WAZIRI, J

OCTOBER 05, 2018

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