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

+ **BAIL APPLN. 2836/2019**

SHORAB KHAN @ SUSHA

..... Petitioner

Through

Mr. GAURAV GUPTA, Adv.
(DHCLSC)

versus

STATE

..... Respondent

Through

Mr. Hirein Sharma, APP for State

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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14.11.2019

CRL.M.A. 40108/2019 (exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

BAIL APPLN. 2836/2019

Vide the present petition, the petitioner seeks direction thereby releasing him on bail in FIR No.480 /2014 registered at P.S Palam Village.

The case of the prosecution is that the complainant namely Sh. Bashira was given tea mixed with intoxicant, by his helper, Janu, thereafter he started to feel uneasy. Thereafter, co-accused Hasim and Shorab (petitioner herein) came and tied the complainant and put tape over his mouth and further tied him with a tree near the bushes and took away his truck loaded with tyres and tubes. Thereafter, on 09.10.2014, on the basis of secret information, police officials stopped one truck, in which all the three accused were found. They were apprehended and thereafter the present FIR was registered.

Learned counsel for the petitioner submits that though the petitioner was released on bail, however, due to unavoidable circumstances, he could

not appear before the Court on 07.02.2019 and the learned Trial Judge issued a non-bailable warrant against the applicant and fixed the matter for 05.03.2019. Thereafter he appeared on 05.03.2019 and on the said date the learned Judge was on leave. Thereafter, he appeared on 04.05.2019 when he was taken into custody. His applications seeking cancellation of NBWs were rejected vide orders dated 13.05.2019, 23.05.2019 and 16.07.2019 by the learned judge by recording the submissions of the learned APP that the petitioner was a habitual offender and he along with co-accused had indulged in thefts of tyres and tubes and kidnapped the complainant.

A perusal of order dated 23.05.2019 passed by the learned judge reveals that the petitioner did not appear on two dates of hearing and thereafter NBWs were issued against him but inadvertently, he could not apply for cancellation of NBWs and were sent to custody.

The fact remains that the petitioner did not appear before the Court below on 07.02.2019 and as per order sheet dated 04.05.2019, his appearance is marked in the order and there is no other case pending against him, coupled with the fact that he is in JC since 04.05.2019, I hereby direct to release the petitioner on furnishing personal bond in the sum of ₹15,000/- with one surety in the like amount, to the satisfaction of the Trial Court.

The application is allowed and disposed of.

Order *dasti* under the signatures of Court Master.

Copy of this order be transmitted to the Trial Court and the Jail Superintendent concerned forthwith, for compliance.

SURESH KUMAR KAIT, J

NOVEMBER 14, 2019/sm