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

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Judgment delivered on: 14.01.2019

+ BAIL APPLN. 2603/2018

RAVI @ GOPAL

..... Petitioner

versus

STATE

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Sunil Tiwari, Advocate.

For the Respondent : Mr. Hirein Sharma, APP for the State.
Insp. Sanjay Neolia, P.S.Crime.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

14.01.2019

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No.191/2009 under Sections 397/342/34/412/201/34 Indian Penal Code, 1860, Police Station Punjabi Bagh.

2. The petitioner has been in custody since 02.02.2018.

3. Learned counsel for the petitioner submits that the petitioner was earlier granted bail in the year 2009, however, was subsequently apprehended on 02.02.2018. He submits that his bail has cancelled as

petitioner had failed to appear before the Trial Court and subsequently proceedings under Section 82 Cr.P.C were also initiated against the petitioner.

4. Learned counsel for the petitioner submits that FIR was registered in the year 2009 and petitioner was enlarged on bail. Charge sheet was filed on 13.05.2015 after a gap of six years and petitioner was not aware of the filing of the charge sheet as he was neither summoned nor made aware of any of the dates fixed by the Trial Court. He submits that petitioner is a daily wager and had left his permanent residence in Bihar to seek employment in Delhi and was working as a daily wager at various construction sites wherever he could find work and as such was never served with any summons from the Trial Court or intimated about filing of the charge sheet.

5. Learned counsel for the petitioner undertakes that petitioner shall appear before the Trial Court as and when the matter is fixed.

6. Learned APP submits that after the charge sheet was filed, summons were issued and served on the family members of the petitioner at his address in Bihar supplied by the petitioner. He further submits that even bailable warrants were issued by the Trial Court and since petitioner failed to appear the proceedings under Section 82 Cr.P.C were initiated and petitioner was subsequently apprehended.

7. Trial Court record has been received. Perusal of the record

shows that after filing of the charge sheet summons were sent to the address of the petitioner in Bihar, however, record does not reveal that summons were served on the petitioner personally. The report of the serving officer, who had gone to serve the summons, shows that summons were served on the mother of the petitioner. The serving officer has noted that the mother had stated that petitioner had not come home for the last 4-5 months.

8. Bailable warrants which were issued for the petitioner by the Trial Court also show that they were never served on the petitioner personally. There is no report indicating that the latest address of the petitioner could be traced out or any intimation was left with the petitioner.

9. Keeping in view the fact that petitioner was earlier also enlarged on bail and remained on bail for a period of 9 years till he was apprehended on 02.02.2018, I am of the view that on petitioner appearing before the Trial Court as and when the matter is listed, petitioner is entitled to be enlarged on bail since the proceedings are likely to take some time.

10. On petitioner furnishing a bail bond in the sum of Rs.15,000/- with the surety of his wife of the like amount to the satisfaction of the Trial Court, petitioner shall be released on bail, if not required in any other case. Petitioner shall report on first Saturday of every alternative month at Police Station Crime Branch, Chanakyapuri to mark his

presence. The duty officer shall ensure that petitioner does not have to spend more than necessary time to mark his presence. Petitioner shall also furnish his permanent address and his as well as his surety's latest working mobile number to the Investigating Officer. The undertaking of the petitioner that he shall appear before the Trial Court is accepted and he is directed to appear before the Trial Court on every date unless specifically exempted by the Trial Court.

11. Petition is disposed of in the above terms.

12. Order *Dasti* under signatures of the Court Master.

JANUARY 14, 2019

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SANJEEV SACHDEVA, J