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

+ **BAIL APPLN. 2543/2020**

KAJAL

..... Petitioner

Through: Mr Vinod Yadav, Advocate.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr Amit Gupta, APP for State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

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07.09.2020

CRL. M. A. 12309/2020

1. Allowed, subject to all just exceptions.

BAIL APPLN. 2543/2020

2. The petitioner has filed the present petition, *inter alia*, praying that bail be granted to the accused in FIR No.39/2014 under Sections 323/346/366/370/354-A/376 of the IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (hereafter 'POCSO Act') registered with PS Sangam Vihar.

3. It appears from the orders annexed with the present petition that the petitioner was released on bail in connection with the said FIR. However, the petitioner did not appear before the court on the scheduled dates and thereafter, warrants were issued against the petitioner. Subsequently, the court had directed issuance of non-bailable warrants against the petitioner.

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However, the said warrants were also returned back.

4. It is stated that on 24.07.2020, an application was filed by the petitioner for cancellation of the non-bailable warrants that were directed to be issued on 22.07.2020. However, the petitioner did not appear before the concerned court to press the said application. Mr Yadav, learned counsel appearing for the petitioner submits that he had tried to contact the petitioner on that date but was unable to do so, therefore, the petitioner could not appeared before the concerned court on account of his inability to communicate with her. It appears that thereafter, the petitioner did not immediately file an application for recall of the order dated 24.07.2020. However, she moved another application for cancellation of the non-bailable warrants, which was taken up on 28.08.2020. The said application for cancellation of the NBWs was also rejected.

5. The said order dated 28.08.2020 indicates that the petitioner and the co-accused (petitioner's husband) had stopped appearing in the court, with effect from 13.07.2020. The matter was, thereafter, listed on 15.07.2020. However on that date, learned counsel appearing for the petitioner had stated that he had no instructions from the petitioner or co-accused (Ganga Singh).

6. In view of the above, the court was constrained to issue the bailable warrants against the petitioner and the matter was listed on 22.07.2020. However, even on that date, the petitioner did not appear. On 22.07.2020, the Trial Court directed issuance of the NBWs against the petitioner and the co-accused as well as a notice to the surety. The NBWs issued were also received back 'un-served' with the report that 'she is not traceable'. In the meanwhile, the petitioner's husband (Ganga Singh) was arrested. He also declined to disclose the petitioner's whereabouts. Keeping all the facts in

view, the Trial Court has declined to cancel the NBWs. The Court has also noticed that the matter is at the stage of final arguments and there is an apprehension that the petitioner would evade the process of law.

7. The said order dated 28.08.2020 is not impugned in this petition.
8. In view of the above, this Court does not consider it apposite to accede to the prayers made in the present petition.
9. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

SEPTEMBER 7, 2020
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