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

+ **BAIL APPLN. 2550/2020**

GANGA SINGH

..... Petitioner

Through: Mr Vinod Yadav, Advocate.

versus

STATE NCT OF DELHI

..... Respondent

Through: Ms Kusum Dhalla, APP for State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

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08.09.2020

[Hearing held through videoconferencing]

CRL.M.A. 12342/2020

1. Allowed, subject to all just exceptions.

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2. The petitioner has filed the present petition, *inter alia*, seeking bail in connection with 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. It appears from the record that the petitioner was granted bail. He claims that he was attending the proceedings regularly till 13.07.2020.

3. It is stated that the prosecution's evidence has been concluded and the matter was fixed for recording the statement of the accused. At this stage,

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the petitioner failed and neglected to appear before the trial court. The petitioner's lawyer who appeared in trial court on 15.07.2020 stated that he had not received any instructions from the petitioner.

4. Consequently, bailable warrants were issued, which were returned back as it was found that the petitioner was not residing at the address provided by him. His wife, who is a co-accused, also failed and neglected to appear before the trial court. In such circumstances, non-bailable warrants were issued on 22.07.2020. The said warrants could not be served as the petitioner was not available at the address provided.

5. The petitioner and his wife filed application(s) for cancellation of non-bailable warrants, which were listed on 24.07.2020. However, on that date also, neither the petitioner nor his wife appeared before the court. Consequently, the said application was rejected.

6. The petitioner was subsequently arrested. Thereafter he once again filed an application seeking regular bail. The said application was rejected by the trial court by an order dated 28.08.2020. The court noted that the petitioner had been arrested on the basis of information received from an informer. The court also noted that the petitioner had refused to disclose the whereabouts of his wife, with whom he was residing from the past decade. As stated above, the NBWs could not be executed as the petitioner and his wife were not found at the address that was available on record.

7. Considering the above, the trial court was of the view that the petitioner and his wife had decided to evade the process of law by moving to an undisclosed location and had failed to appear before the trial court. In addition, the court had also noted that even in the bail application filed by the petitioner, he had not disclosed his address.

8. Although, the petitioner contended that he could not appear before the court on account of being unwell however, no medical documents were produced by the petitioner. In view of the aforesaid, the court concluded that the petitioner and his wife were attempting to evade the process of law. In the given facts and circumstances, this Court finds that the said conclusion cannot be faulted.

9. It is also relevant to note that the trial is at the final stage and the prosecution evidence has been concluded. The alleged offence is a grave offence. There is a serious apprehension that if the petitioner is released on bail, he would flee and avoid the proceedings. The case before the trial court has been pending for six years.

10. Considering the above, this Court does not consider it apposite to accede to the prayers made in the present petition at this stage. The same is, accordingly, dismissed.

VIBHU BAKHRU, J

SEPTEMBER 8, 2020
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