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

+ **BAIL APPLN. 3457/2022**

BABITA

..... Petitioner

Through: **Mr. Ajay Kumar, DHCLSC.**

versus

STATE NCT OF DELHI

..... Respondent

Through: **Mr. Raghuvender Verma, APP for the
State with SI Mahesh Chand PS
Badarpur.**

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Date of Decision: 9th December, 2022

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

BAIL APPLN. 3457/2022

1. Present bail application has been moved under Section 439 R/W 482 Cr.P.C. for grant of regular bail.
2. The petitioner was admitted to bail on 27th September, 2021 by the learned ASJ taking into account the fact that the petitioner is a lady and intermediate quantity of heroin (13.5 gram in 110 purias) has been recovered.
3. Learned labour Court has also taken into account the fact that charge sheet has been filed. Since accused did not appear on 23rd March, 2022,

the NBWs were issued against her. As per order sheet, the application for cancellation of NBW was moved on 18th July, 2022. The application for cancellation of NBWs was dismissed and accused was taken into custody. However, there is nothing on record to suggest that either State had moved the application for cancellation of bail or the learned Trial Court cancelled the bail of the petitioner. The learned Trial Court simply found the grounds for non appearance not acceptable and thus, dismissed the application for NBW.

4. This Court considers that since the petitioner has been admitted to bail on merits, the learned Trial Court should have considered the application for cancellation of NBW with more compassion taking into account the entire facts and circumstances that petitioner was admitted to regular bail vide order dated 27th September, 2021.
5. In these circumstances, accused Babita be released on Court bail on furnishing a personal bond in the sum of Rs.25,000/- with a surety of like amount subject to the satisfaction of Investigation Officer subject to the following conditions:
 - a) the petitioner shall regularly attend the trial;
 - b) the petitioner shall under no circumstances leave India without prior permission of the Court concerned;
 - c) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
 - d) the petitioner shall provide his/her mobile number(s) to the Investigating Officer and keep it operational at all times;

e) the petitioner shall drop a PIN on the Google map to ensure that his location is available to the Investigating Officer; and

f) In case of change of residential address and/or mobile number, the petitioner shall intimate the same to the Investigating Officer/ Court concerned by way of an affidavit.

8. In view of the above, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 9, 2022

Pallavi

