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

+ **BAIL APPLN. 2801/2024**

SH. SURAJ KUMAR

.....Petitioner

Through: Counsel for the petitioner (appearance
not given).

versus

TEH STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP for the State
with SI Vivek Kumar, PS Gandhi
Nagar.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

08.08.2024

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CRL.M.A. 23494/2024 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

BAIL APPLN. 2801/2024 (under Section 483 BNSS read with Section 528 of BNSS filed by the petitioner)

3. The Bail Application under Section 483 of B.N.S.S. read with Section 528 of B.N.S.S. has been filed on behalf of the petitioner for grant of bail in FIR No. 76/2023 under Sections 392/394/397 and 34 of the IPC, registered at Police Station Gandhi Nagar and to restore the surety forfeited by the learned Trial Court *vide* Order dated 16.07.2024.
4. It is submitted that the petitioner was on Regular Bail in the aforementioned FIR No. 76/2023 under Sections 392/394/397 and 34 of the



IPC. However, he was unable to appear in the Court on 16.07.2024 on account of a marriage in the family because of which the bail bond was forfeited and NBWs had been issued with notice to surety under Section 446 CrPC, *vide* Order dated 16.07.2024. The petitioner moved an application for cancellation of NBWs and restoration of previous surety, which was considered on 30.07.2024, by the learned District and Sessions Judge but not being convinced about the explanation given as neither the original marriage card nor the photographs of the marriage, has been placed and also because no proof of travelling to Bihar in car was adduced, the Application for cancellation of NBWs was dismissed. The petitioner is in judicial custody since 30.07.2024.

5. Considering the totality of the circumstances and also that before the NBWs were issued, he was on bail, the petitioner is admitted to Regular bail on furnishing a personal bond in the sum of Rs.50,000/- with one surety of the like amount, to the satisfaction of the learned Trial Court/Successor Court/Duty Magistrate, subject to the conditions that were imposed in the earlier bail order dated 31.03.2023.

6. The Petition is disposed of.

7. A copy of this Order be communicated to the concerned Jail Superintendent and the trial court, for information and compliance.

NEENA BANSAL KRISHNA, J

AUGUST 8, 2024/RS