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

+ **BAIL APPLN. 3966/2024**

SHIV NARAYAN & ANR.

.....Applicants

Through: Mr. Rupendra Kumar
Karn, Mr. Nagmani
Kumar, Mr. Manish
Kumar Jha, Mr. Vivek
Kumar Pal and Mr. Amit
Gupta, Advs.

versus

STATE OF N.C.T. OF DELHI & ANR.Respondents

Through: Mr. Naresh Kumar Chahar,
APP for the State with ASI
Sanjeev Kumar, PS Hauz
Qazi.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

29.10.2024

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CRL.M.A. 32798/2024 (*exemption from filing certified copies of annexures*)

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

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3. The present application is filed seeking regular bail in FIR No. 53/2018 dated 03.05.2018, registered at Police Station Hauz Qazi, for offences under Sections 498A/406/34 of the Indian Penal Code, 1860 (IPC).

4. The applicant was arrested on 27.03.2024 for the reason that the applicant had stopped appearing in the trial. The learned Trial Court noted that the applicant had not been appearing since

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29.03.2022 and had appeared only on 20.01.2022. The applicant was thereafter admitted on bail in the present FIR.

5. However, it was noted that the applicant thereafter again did not appear before the Court. Consequently, non-bailable warrants were issued against the applicant *vide* orders dated 24.04.2024, 22.05.2024, and 25.07.2024. The applicant was thereafter arrested and is in incarceration since 25.08.2024.

6. Subsequently, the learned ASJ, noting that the conduct of the applicant was not satisfactory, dismissed the application seeking bail filed by the applicant *vide* order dated 19.09.2024.

7. The learned counsel for the applicant has not been able to dispute that the applicant has not been diligent in pursuing the matter and that he had not been appearing on a regular basis before the learned Trial Court.

8. He, however, seeks bail on humanitarian ground. He submits that the mother of the applicant has not been keeping well and the applicant is the only person to take care of his mother.

9. Though this Court finds no infirmity in the order passed by the learned Trial Court, however, it is undisputed that the applicant had initially been admitted on bail in FIR No. 53/2018 and was arrested for the reason of not attending the Court hearings regularly.

10. The learned counsel for the applicant submits that appropriate conditions be put and that the applicant will not take unwarranted adjournments in future.

11. Purely on humanitarian grounds, this Court considers it apposite to admit the applicant on bail subject to the applicant furnishing a bail bond for a sum of ₹50,000/- with one surety of



the like amount to the satisfaction of learned Trial Court / Duty MM / Link MM on the following conditions:

- a) The applicant shall cooperate in the trial and appear before the learned Trial Court as and when directed;
- b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the present case;
- c) The applicant shall not, in any manner, try to contact any of the witnesses;
- d) The applicant shall provide his mobile number to the concerned Investigating Officer /SHO at the time of his release and the mobile shall be kept in working condition at all times;
- e) The applicant shall, in case of change of residential address and/or mobile number, intimate the concerned Investigating Officer regarding the same.

12. In the event of there being any FIR/DD entry / complaint lodged against the applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

13. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

14. The bail application is allowed in the aforementioned terms.

AMIT MAHAJAN, J

OCTOBER 29, 2024/ 'KDK'

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