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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 3997/2024 & CRL.M.(BAIL) 1803/2024**
PAWAN AGGARWAL

.....Petitioner

Through: Mr. Premchandra, Mr. Dharmendra,
Ms. Kanchan Kumar, Advs.

versus

STATE GOVT.OF NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP
SI Neelam, PS Sadar Bazar

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
18.11.2024

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CRL.M.A. 33000/2024-EX.

Allowed subject to all just exceptions.

The application stands disposed of.

BAIL APPLN. 3997/2024

1. This is an application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking grant of regular bail in FIR No. 472/2004 dated 04.12.2004 registered at PS Sadar Bazar under Sections 418,420,468 of IPC.
2. Issue notice. Mr. Singh, learned APP accepts notice. The status report has been handed over in Court today, which is taken on record.
3. The allegation in the FIR is that the complainant was induced to supply material of about Rs. 9,97,239/- for which the petitioner / applicant did not make the payment. Hence, the FIR.
4. The primary ground raised in the status report is that the



petitioner/applicant is a habitual absentee and has been declared a proclaimed offender three times in the present case itself, leaving to unnecessary delay in the matter.

5. Mr. Premchandra, learned counsel for the petitioner/applicant undertakes and assures that the petitioner/applicant will remain present on each and every date of hearing and in case he absents himself, the prosecution will be at liberty to file an application for cancellation of bail.
6. In the present case, the FIR is of the year 2004 and the matter is at the stage of prosecution evidence. Hence, there is no requirement of custodial interrogation of the petitioner/applicant. The petitioner is in custody since 28.05.2024.
7. Subject to the petitioner filing an affidavit-cum-undertaking before the Trial Court with respect to appearing on each and every date of hearing, the petitioner/applicant is directed to be released on bail in FIR No. 472/2004 dated 04.12.2004 registered at PS Sadar Bazar under Sections 418,420,468 of IPC on the following terms and conditions:-
 - i. The applicant shall furnish a personal bond and a surety bond in the sum of Rs. 20,000/- each, to the satisfaction of the Trial Court;
 - ii. The applicant shall appear before the Trial Court as and when the matter is taken up for hearing;
 - iii. The applicant shall file an affidavit to the satisfaction of the Trial Court;
 - iv. The applicant shall join investigation as and when called by the I.O concerned;
 - v. The applicant shall provide his mobile number to the Investigating



Officer (IO) concerned, which shall be kept in working condition at all times. The applicant shall not switch off, or change the same without prior intimation to the IO concerned, during the period of bail;

- vi. In case the applicant changes his address, he will inform the IO concerned and this Court also;
 - vii. The applicant shall not leave the country during the bail period and surrender his passport, if any, at the time of release before the I.O. concerned;
 - viii. The applicant shall not indulge in any criminal activity during the bail period;
 - ix. The applicant shall not communicate with, or come into contact with any of the prosecution witnesses, or any member of the complainant's family, or tamper with the evidence of the case.
8. The application stands disposed of in the aforesaid terms.
9. *Dasti.*

JASMEET SINGH, J

NOVEMBER 18, 2024 / (MS) [Click here to check corrigendum, if any](#)