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

+ **BAIL APPLN. 1018/2025**

OM PRAKASH

.....Petitioner

Through: Mr. Neeraj Kumar Shah and Mr.
Banka Bihari Panda, Advocates.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Ajay Vikram Singh, APP for
State with SI Ravi, PS-Bharat Nagar and W/SI
Sonia SO Branch Jt. CP. NR.

Ms. Smriti Sinha, DHCLSC with Ms. Aleena for
R2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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17.11.2025

1. The present petition has been filed by the petitioner seeking regular bail in connection with FIR No. 01/2009 under Sections 174A/323/328/342/363/366/376(2)(I)(N)/376(3)/506 IPC, Under Section 9 of Prohibition of Child Marriage Act, 2006 and under Section 5(a) & 6 of POCSO ACT, registered at PS-Bharat Nagar.
2. The learned counsel appearing on behalf of the petitioner submits that he was granted regular bail *vide* order dated 16.07.2022. However, since the petitioner did not appear before the learned Trial Court during the proceedings of the trial, therefore, NBWs were issued against him *vide* order dated 05.01.2023 and thereafter, he was declared proclaimed offender *vide* order dated 02.05.2023.
3. He submits that the petitioner had thereafter, surrendered on



11.08.2023 and since then, he continues to be incarcerated.

4. He further contends that the NBWs were issued against the petitioner and he was not released thereafter, only for the reason that the trial was underway. He contends that the trial proceedings have concluded, therefore, the petitioner be released on bail.

5. Learned counsel for the petitioner has also placed reliance on the **order dated 07.01.2025** passed by the coordinate bench of this Court in **Bail Application no. 4805/2024**, titled as **Boby Malik v. State (GNCTD)**.

6. Having heard the learned counsel for the petitioner, as well as the learned APP for State and the learned counsel for the complainant, this Court finds that the petitioner was already granted bail on merits *vide* order dated 16.07.2022 but NBWs were issued against him and he was declared proclaimed offender, as he did not appear before the learned Trial Court during the trial.

7. After being declared as proclaimed offender, the petitioner had surrendered on 11.08.2023, since then he is in custody and has been incarcerated for a period of 27 months for not appearing before the learned Trial Court.

8. It appears that the petitioner was kept in custody only to ensure his availability during trial, but the trial has now concluded as informed by the learned APP, on instructions from the IO, who is present in Court. The petitioner is, therefore, entitled to be released as he had already been granted regular bail on merits.

9. Accordingly, the petitioner is released on bail subject to his furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the learned Trial Court/JMFC/Duty JM, further subject



to the following conditions:

- a. The learned Trial Court while accepting the bail bonds shall ensure verification of the addresses of the petitioner/accused as well as of the surety.
 - b. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
 - c. Petitioner shall provide mobile number to the IO concerned which shall be kept in working condition at all times and he shall not change the mobile number without prior intimation to the Investigating Officer concerned.
 - d. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses or any family members of the witnesses.
 - e. Petitioner shall report to the IO on every 2nd and 4th Saturday of the month.
10. It is clarified that the observations made herein above are only for the limited purpose of deciding the present bail application and the same shall not be construed as an expression of opinion on merits of the case.
11. The application is disposed of.
12. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance.
13. Order *dasti* under signatures of the Court Master

VIKAS MAHAJAN, J

NOVEMBER 17, 2025/jg