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

+ **BAIL APPLN. 2375/2025 & CRL.M.A. 18928/2025**

AKASH KUMARApplicant

Through: Mr. U.A. Khan, Tushar
Upadhyaya, Advs.

versus

STATE NCT OF DELHIRespondent

Through: Mr. Sunil Kumar Gautam,
APP for the State.
SI Amit Beniwal, PS M.S.
Park.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

29.07.2025

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1. The present application is filed seeking regular bail in FIR No. 396/2015 dated 19.08.2015, registered at Police Station Mansarovar Park for the offences under Sections 392/34 of the Indian Penal Code, 1860 ('IPC').

2. It is undisputed that the applicant was admitted on bail by order dated 28.12.2015 and had been appearing during the course of the trial, except on 29.11.2024, which led to him being declared as Proclaimed Offender by order dated 24.02.2025.

3. The applicant was in custody since 21.12.2024 in FIR No.267/2023 and was released on bail in that FIR by order dated 11.03.2025.

4. Thus, there is *prima facie* merit in the contention of the applicant that during the period when the process and NBWs were issued against him, he was in custody and therefore, the same could not be served upon him.

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5. The applicant thereafter was arrested on 28.03.2025 and has been in custody since then. He is stated to be on bail in the other case.

6. On being asked, it is informed that 15 witnesses are yet to be examined. The trial is thus likely to take a considerable period of time.

7. At this stage, the investigation is already complete and the chargesheet has already been filed, there is no chance of the accused absconding or fleeing, if released on bail. Moreover, the same can also be taken care of by putting appropriate conditions.

8. The object of Jail is to secure the appearance of the accused during the trial. The object is neither punitive nor preventive and the deprivation of liberty has been considered as a punishment. The applicant cannot be made to spend the entire period of trial in custody specially when the trial is likely to take considerable time.

9. Without commenting further on the merits of the case, keeping the facts and circumstances in mind and the fact that the trial is likely to take some time, I am satisfied that the applicant has made out a case for grant of regular bail.

10. In view of the above, the applicant is directed to be released on bail on furnishing a personal bond for a sum of ₹20,000/- with two sureties of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

- a. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;



- b. The applicant shall under no circumstance leave the boundaries of the country without the permission of the Trial Court;
- c. The applicant shall appear before the learned Trial Court as and when directed;
- d. The applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- e. The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
- f. The applicant shall not commit any other offence while he has been released on bail.

11. 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.

12. It is clarified that any observation 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.

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

AMIT MAHAJAN, J

JULY 29, 2025

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