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

+ **BAIL APPLN. 3944/2025 & CRL.M.A. 30742/2025**

DEVENDER KUMAR ALIAS SANJAY

.....Petitioner

Through: Mr. Krishan Kumar along with Mr.
Shivam Bedi, Mr. Chaudhary Ajay
Raj and Mr. Gurudev, Advocates.

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for the
State.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

15.10.2025

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1. The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in proceedings arising from FIR No. 702/2024 registered under Section 69 of the Bharatiya Nyaya Sanhita, 2023³ at P.S. New Usmanpur.

2. The subject FIR dated 16th December, 2024, was registered on a complaint made by the prosecutrix alleging that the accused, under the pretext of offering employment, took her to a hotel and committed sexual assault. The Applicant was subsequently granted bail by the Trial Court on

¹ "BNSS"

² "Cr.P.C."

³ "IPC"



23rd December, 2024. The charge sheet was filed on 12th February, 2025, and summons were issued, upon which the Applicant appeared before the Trial Court on 17th February, 2025.

3. Thereafter, the Applicant failed to appear before the Trial Court on 10th March, 2025 and 4th April, 2025, prompting the issuance of non-bailable warrants, which were subsequently cancelled by the Trial Court on 5th May, 2025. The Applicant again failed to appear on 13th May, 2025, resulting in the initiation of proceedings under Section 82 Cr.P.C. He appeared before the Trial Court on 8th July, 2025, seeking cancellation of these proceedings. However, the request was rejected, and he was taken into judicial custody. A subsequent bail application filed by the Applicant was rejected on 7th August, 2025, on the grounds that his conduct demonstrated a tendency to evade trial, the explanations provided were found to be false, and the address submitted by him was unverifiable. Although the prosecutrix did not oppose the bail application, the Trial Court did not consider the case fit for release.

4. In the above circumstances, the Applicant has approached this Court. Counsel for the Applicant submits that the non-appearance was not deliberate but due to the negligence of the Applicant's counsel and certain health issues of the Applicant. He undertakes that the Applicant will appear regularly before the Trial Court and abide by all conditions imposed.

5. Heard. The fact that the Applicant had previously been granted regular bail is not in dispute. It is evident that his present incarceration stems from his non-appearance before the Trial Court, which led to the initiation of proceedings under Section 82 Cr.P.C. Counsel for the Applicant has explained that the absence was neither wilful nor deliberate but occasioned



due to the negligence of the earlier counsel and certain health issues. Further, he has given an undertaking that the Applicant will regularly appear before the Trial Court, abide by all conditions imposed, and will remain available at the address as reflected in the Residence Certificate (Annexure P-7).

6. Considering the aforementioned facts, including the fact that the Applicant had previously been granted regular bail and that the chargesheet has already been filed, this Court is of the opinion that continued incarceration would serve no meaningful purpose. Accordingly, the Applicant is directed to be released on bail, upon furnishing a personal bond in the sum of INR 25,000/- with one surety of the like amount to the satisfaction of the Trial Court/Duty MM, subject to verification of the address provided in Annexure P-7, and further subject to the following conditions:

- a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;
- b. 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;
- c. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;
- d. The Applicant shall appear before the Trial Court as and when directed;
- e. 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;



- f. The Applicant shall not reside within 3 km radius of the residence of the victim and shall also furnish proof of his residence to the concerned IO. The Applicant shall also not move in the vicinity of the victim in any manner.
- g. 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.
- h. The Applicant shall report to the concerned PS on the first Friday, every three months;
7. 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.
8. 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.
9. The bail application is allowed in the afore-mentioned terms.
10. With the above directions, the Petition is disposed of.

SANJEEV NARULA, J

OCTOBER 15, 2025/MK