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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **BAIL APPLN. 4805/2024**  
**BOBY MALIK** .....Petitioner

Through: Mr. RPS Bhatti, Adv.

versus

**THE STATE (GOVT OF NCT OF DELHI)** .....Respondent

Through: Ms. Priyanka Dalal, APP with SI  
Deepak, PS Mundka

**CORAM:**

**HON'BLE MR. JUSTICE JASMEET SINGH**

**ORDER**

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**07.01.2025**

**CRL.M.A. 39168/2024**

Exemption allowed, subject to all just exceptions.

The application is disposed of.

**BAIL APPLN. 4805/2024**

1. This is a petition seeking grant of bail in FIR No. 365/2016 under Section 354/354B/354D/323 of IPC read with Sections 8 and 12 of POCSO Act registered at PS Mundka.
2. *Vide* order dated 19.11.2016, the petitioner was granted bail by the learned ASJ. Thereafter, on completion of investigation chargesheet was filed on 29.10.2016. During the trial, the petitioner did not appear before the learned Trial Court and subsequently non-bailable warrant was issued against the petitioner on 11.03.2022 which remained unexecuted. On 22.07.2022, the petitioner was declared a proclaimed offender and Section 174A of IPC was added.
3. On 12.03.2023, the petitioner was arrested from Shiv Vihar by police officials of Uttam Nagar and thereafter the petitioner is in custody.
4. Mr. Bhatti, learned counsel for the petitioner states that the petitioner



could not appear before the learned Trial Court on account of misguided advice received from his friends and family. He was under the impression that during COVID period, the petitioner was not required to appear before the Court.

5. Learned counsel further states that the petitioner shall regularly appear before the Trial Court on each and every date of hearing and shall furnish his permanent address.

6. I am of the view that the petitioner was already granted bail on merits on 19.11.2016 and is in custody only because he could not appear before the Trial Court and thereafter was declared a proclaimed offender. The petitioner has already been incarcerated for a period of 1 year 11 months for not appearing before the Court.

7. It is possible that the petitioner could not appear on account of misguided advice received from friends, family or counsel. However, since the learned counsel for the petitioner has assured that the petitioner shall appear before the Trial Court on each and every date of hearing, I am inclined to allow the petition.

8. For the said reasons, the petitioner is directed to be released on bail on the following terms and conditions:

- (a) The petitioner shall furnish a personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand Only) with one surety of the like amount to the satisfaction of the concerned Trial Court;
- (b) The petitioner shall provide his mobile number to the IO concerned, which shall be kept in working condition at all times. The petitioner shall not switch off, or change the same



without prior intimation to the IO concerned, during the bail period;

- (c) The petitioner will furnish his permanent address to the IO and in case he changes his address, he will inform the IO concerned;
  - (d) The petitioner shall report to the local Police Station on the first Monday of every month;
  - (e) The petitioner shall not leave the country without permission of the concerned Court during the bail period and surrender his passport, if any, at the time of release before the concerned Court;
  - (f) The petitioner shall not directly/indirectly try to get in touch with any prosecution witnesses or tamper with the evidence.
  - (g) The petitioner shall appear before the Trial Court on each and every date of hearing.
9. The petition is disposed of in the above terms.
10. Status report is taken on record.
11. *Dasti*

**JASMEET SINGH, J**

**JANUARY 7, 2025/DM**

*Click here to check corrigendum, if any*