

IA No. 4/24 in SC No. 44792/15
State Vs. Rajesh @ Kalia & Ors.
FIR No.70/05
PS New Usmanpur

06.09.2024

ORDER

1. Vide this order I shall dispose off the bail application u/s. 483 BNSS, 2023 moved on behalf of accused / applicant Bablu Khatri for grant of regular bail. Reply filed by the IO.

2. It is submitted by Ld. Counsel for the applicant/accused that there is no other bail application preferred by the present applicant/accused which is pending disposal before the Hon'ble Supreme Court of India, before the Hon'ble High Court of Delhi, or any other Court in the present case FIR.

3. It is submitted by Ld. Counsel for applicant/accused that accused/applicant is in JC since 18.10.2023. The applicant/accused could not appear before this court and NBWs were issued against him by the Ld. Predecessor of this court vide order dated 14.09.2023. The said NBWs could not be executed since the applicant/accused was not present at his home and he had informed his counsel to file an application seeking exemption from personal appearance on 14.09.2023 itself, however, due to some miscommunication, the same could not be filed.

4. It is submitted by the Ld. Counsel for the applicant/accused that applicant/accused could not appear before

this court on 14.09.2023, owing to ill health and the said non appearance was neither intentional nor deliberate. He was produced before this court by his surety and moved an application seeking cancellation of NBWs, however, the same was dismissed by the Ld. Predecessor of this court and he was sent to JC. He is ready to abide with any condition that this court may impose upon him if the bail is granted.

5. Per contra, It is submitted by the Ld. APP for the State duly assisted by the IO that he is a habitual absentee/absconder and on several occasions he has failed to appear before this court and he was already declared as a PO in the present case. He may yet again abscond, if released on bail at this stage. Therefore, the State is strongly opposing the present application.

6. After considering the rival contention of the parties, considering the facts & circumstances of the present case and considering the previous conduct of the applicant/accused, wherein, the NBWs were issued against him on 23.10.2018, 02.02.2019, 30.11.2021, 14.01.2022 and lastly on 14.09.2023. Furthermore, the process u/s 82 Cr.PC was issued against him on 14.02.2019 and 28.02.2022. He has been already declared as a PO in the present case vide order dated 24.04.2019, therefore, this court does not deem it fit to grant him bail in the present case as the chances of him fleeing from the hands of justice cannot be ruled out. The trial is at its fag end and all the prosecution witnesses have already been examined. The matter was listed for recording the statement of the accused persons u/s 313 Cr.PC, however, the same was not recorded on 01.08.2024, since the Ld.

Addl. PP for the State had moved an application u/s 311 Cr.PC seeking recalling of witnesses. Considering the gravity of the offences, the stage of the trial and the previous conduct of the applicant/accused, the present application stands dismissed. Therefore, the present application stands disposed off accordingly.

7. Needless to say nothing expressed herein shall have any bearing on the merits of the case.

8. Application is disposed off accordingly.

9. A copy of this order be given *dasti* to all concerned parties.

(ATUL AHLAWAT)
ASJ (FTC)/North-
East/KKD Courts/
Delhi/06.09.2024