

Ct. Case No.153/2023
Tata Power Delhi Distribution Ltd. vs. Bobby
PS : Bharat Nagar

12.11.2024

Present : Sh. Satish Kumar, AR of the complainant company along with Sh. Vaibhav Gupta, Manager(Legal) for the complainant company /TPDDL.
Sh. Anil Kumar, Surety of accused along with Ld. Counsel Sh. Jitender Bhardwaj.
HC Bhishma (No.417/NW), MHC(M) from PS Bharat Nagar is present.
Sh. Abhishek Jha, Ld. Counsel for the accused.

Fresh vakalatnama filed on behalf of accused. Same is taken on record.

Accused Bobby has been produced after arrest in execution of NBW by HC Jaideep, No.857/NW of PS Bharat Nagar.

No plausible ground has been assigned by accused for his absence. The conduct of the accused does not demand any leniency from this Court, accordingly, accused Bobby be taken into custody and sent to jail.

In terms of the order dated 30.09.2024, HC Bhishma has deposited an amount of Rs.25,000/- vide receipt No.000138581 dated 12.11.2024 towards execution of warrants of attachment against Surety Sh. Anil Kumar.

An application under Sec.444 of Cr.P.C. filed on behalf of applicant/ surety namely Anil Kumar for withdrawal/ discharge of surety amount, for release of the surety amount which has been forfeited by the IO.

Ld. Counsel for the applicant/surety submits that the

Contd...

- : 2 :-

applicant stood surety for accused Bobby for a sum of Rs.25,000/- and the said amount was forfeited by the IO on 11.11.2024 in terms of the order dated 30.09.2024. It is further submitted that for the past two months, the applicant / surety was requesting the accused to arrange for fresh surety in his place as he had lost control over his movements and at present, he is not able to secure the presence of the accused on the coming dates of hearing and therefore, the applicant/ surety herewith hands over the custody of accused Bobby.

Heard. Record perused.

As per the records, summons were issued for the accused but he did not appear despite service. Thereafter, vide order dated 21.05.2024, Bailable Warrants were issued against the accused returnable on 26.07.2024. These Bailable Warrants were duly served upon the accused as per the report of concerned HC Kunwar Pal, PS Bharat Nagar. It is further reflected that as per the earlier surety bond furnished with regard to the execution of Bailable Warrants one Sh. Anil Kumar has given an undertaking that he ensures the presence of the accused before the Court on the NDOH. Accused however did not appear despite undertaking given by surety Sh. Anil Kumar vide his bail bond in response of the BWs. It is needless to say that such undertaking is only for one day i.e. for ensuring and securing the presence of the accused on the date fixed for his presence. It is a matter of record that accused has not appeared therefore, there is no impediment in impounding the surety bond furnished by the earlier surety Sh. Anil Kumar.

Contd...

- : 3 :-

Accused has been produced before the Court after execution of NBWs which is a stage subsequent to issuance of BWs. Thus, in these circumstances, the application filed on behalf of surety Sh. Anil Kumar is not permissible. Hence, it is dismissed. Let amount of Rs.25,000/- be deposited in the Court. Surety stands discharged.

Accused Bobby be sent to J/C and be produced for his appearance on 23.11.2024.

Copy of this order be given dasti.

**(PRASHANT KUMAR)
ASJ (Electricity)/(N-W)
Rohini Courts, Delhi /12.11.2024**