

SC No. 138-2021  
IA No. 03-2024  
State Vs. Sachin @ Sonu  
FIR No. 818/2020  
PS : BHD Nagar  
U/s : 365/394/397/411/34 IPC

03.07.2024

**Present:** Shri Dushyant Siwatch, Ld. Addl. Public Prosecutor  
for the State.  
Shri Mahipal Singh, counsel for the applicant/  
accused.  
IO SI Sachin.

The applicant/accused Sachin @ Sonu has moved  
the 4<sup>th</sup> bail application under Section 439 Cr.P.C. for grant of bail.

During the course of arguments, it has been argued  
on behalf of counsel for applicant/accused that applicant/accused  
has been falsely implicated in the present case and on  
12.01.2023, applicant/accused did not appear before the Court  
and NBWs were issued against him and thereafter, proceedings  
under Section 82 Cr.P.C. were initiated against him. It is  
submitted that the applicant/accused was released from jail and  
he could not appear before the Court as he could not contact his  
counsel. It is submitted that the police officials had visited his  
house in his absence for the purpose of proceedings under  
Section 82 Cr.P.C. It is submitted that applicant/accused has  
himself surrendered and is in custody for more than four months.  
It is further submitted applicant/accused is ready to abide by any  
condition imposed while grant of bail. It is further submitted that  
no purpose would be served by keeping the applicant/accused  
behind bars and it is prayed that applicant/accused be granted  
bail.

Reply has been filed by the IO.

The present application has been opposed by Ld. Addl. PP for the State on the ground that the applicant/accused was declared absconder on 01.12.2023. It is submitted that for initiating the process of NBWs and 82 Cr.P.C., efforts were made by the police to trace him and applicant/accused deliberately avoided his presence. It is submitted that applicant/accused is a habitual offender and his family does not control over him. It is prayed that present application be dismissed.

Arguments heard. Record perused. Considered.

Perusal of the record reflects that the applicant/accused did not appear before the Court on 12.01.2023 and on 01.12.2023 applicant/accused was declared absconder. The applicant/accused thereafter surrendered and he is in JC since 05.02.2024. Trial will take considerable time, therefore, in view of the aforesaid facts and circumstances, no useful purpose would be served by keeping the applicant/accused behind bars. Hence, the applicant/accused is granted bail on furnishing of personal bond in the sum of Rs. 30,000/- with one surety of like amount to the satisfaction of Court and subject to following condition :-

- a) Applicant will report to the IO on first Monday of every month after being released on bail till the examination of public witnesses is completed and shall not leave the city without prior permission of the Court.
- b) Applicant shall appear before the Court as and when the matter is taken up for hearing.
- c) Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with the witnesses or any family members of the witnesses.

Applicant/accused shall furnish bail bond in terms of judgment passed by Hon'ble Delhi High Court in Crl.M.C.5328/2013 titled Sunil Tyagi Vs. Govt. of NCT of Delhi. Accordingly, the present application U/s 439 Cr.P.C seeking grant of regular bail filed on behalf of applicant/accused is allowed.

Nothing expressed hereinabove shall tantamount to any opinion on merits of this case.

Hard copy of the order be sent to concerned Jail Superintendent through Dak Dispatch and Soft copy be also e-mailed in terms of judgment of Hon'ble Supreme Court in case titled SMWP (Crl.) No.4/2021 in Re Policy Strategy for grant of bail vs. Mr. Gaurav Agrawal, Adv. Amicus Curiae.

Copy of order be also given dasti to Ld. counsel for applicant and IO, as prayed for.

**(Gurmohina Kaur)**  
**ASJ-05/South-West District,**  
**Dwarka Courts/New Delhi**  
**03.07.2024**