

Rakhee Sen vs.state

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Court : Delhi

Decided On : Feb-27-2019

Appellant : Rakhee Sen

Respondent : State

Judgement :

\$~18 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + Judgment delivered on:

27. 02.2019 BAIL APPLN. 447/2019 RAKHEE SEN STATE versus

... Petitioner

..... Respondent Advocates who appeared in this case: For the

... Petitioner

: Mr.Rajiv Mohan, Mr.Abhimanyu Kampani, Mr.Tejasva Mehra, Mr.M.A.Karthik and Mr.Samarth Theotia, Advs. For the Respondent: Mr. Hirein Sharma, APP for the State. CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA JUDGMENT SANJEEV SACHDEVA, J.

(ORAL) 1.

... Petitioner

seeks regular bail in FIR No.99/2018 under Sections 174A of the IPC, Police Station Chitranjan Park, Delhi.

2. The allegations against the petitioner are that petitioner failed to appear before the trial court after having been enlarged on bail in a complaint under Section 138 of the Negotiable Instruments Act. The Trial Court noticed that petitioner had been declared a proclaimed offender not only in the subject case but in three other cases and proceedings under Section 82 Cr.P.C were pending against the petitioner in respect of two other cases and non bailable warrants were BAIL APPLN. 447/2019 Page 1 of 3 issued against the petitioner in one case. FIR under section 174A IPC has been registered in 3 cases.

3. Learned counsel for the petitioner submits that the subject offences for which the petitioner has been charged were bailable offences and the petitioner could not appear in the proceedings as there was a lack of communication from her lawyers about the dates of hearing and the procedure.

4. Learned counsel for the petitioner submits that petitioner is a single woman having two minor children both of whom are studying in Pathways World School, Noida and she is a permanent resident of Noida, the address of which has been mentioned in the memo of parties.

5. Learned counsel further submits that petitioner undertakes to appear in all the seven matters as and when the proceedings are listed. He further submits that petitioner has already been enlarged on bail in two other cases in which FIR under Section 174A IPC has been registered.

6. Learned counsel for the petitioner further submits that since petitioner has been incarcerated since 29.12.2018, her children have not been able to attend school and are residing with a family friend.

7. Without commenting on the merits of the case and keeping in view the totality of the facts and circumstances of the case and the fact BAIL APPLN. 447/2019 Page 2 of 3 that petitioner is a single woman and her two minor children are registered in a school in Noida, I am of the view that petitioner has made out a case for grant

of regular bail. Accordingly, on petitioner furnishing a bail bond in the sum of Rs. 15,000/- with one surety of the like amount to the satisfaction of the Trial Court, petitioner shall be released on bail, if not required in any other case.

... Petitioner

shall not do anything which may prejudice either the trial or the prosecution witnesses. The undertaking of the petitioner that she shall appear in all the proceedings is accepted.

... Petitioner

shall intimate the Trial Court of any change in her residential address. Petition is disposed of in the above terms. Order Dasti under signatures of the Court Master.

8. 9. FEBRUARY27 2019 rk SANJEEV SACHDEVA, J BAIL APPLN. 447/2019
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