

HIGH COURT OF UTTARAKHAND AT NAINITAL
ORIGINAL JURISDICTION

Dated Nainital the 30th April, 2009

1st Bail Application No.319 of 2009

Order on the bail application of the accused.

Vijendra Singh S/o Balwant Singh		Applicant
	<u>Versus</u>	
State of Uttarakhand		Opposite Party

Case Crime No.273 of 1993
(Criminal Case No. 234 of 2008)
U/s 395, 397 and 412 I.P.C.
Police Station Kotwali Almora
District Almora

Hon'ble J. C. S. Rawat, J.

Heard Mrs. Pushpa Joshi, Advocate for the accused/applicant; Mr. B.S. Parihar, Brief Holder for the State; and perused the record.

After due consideration of the submissions of the learned counsel for the parties; contents of the F.I.R.; the fact that the accused/applicant was released on bail and he did not appear before the trial court; thereafter processes were issued and his personal exemption from the attendance was obtained through his counsel in the year 1994; thereafter, on 31/ 05/1994 he appeared before the court and thereafter he again absented himself from the Court; on 20th September, 1997, surety of accused/applicant Vjendra Singh sought time to produce the accused/applicant before the Court but he did not appear; the bonds were forfeited and the recovery warrant was issued on 22/08/1998; thereafter the accused/applicant appeared before the Court on 10/06/2008 on warrant (B) issued by the Court; the accused/applicant has misused the bail; as such I do not find good ground of bail of the present accused/applicant. The bail application is rejected.

The co-accused was convicted by the trial court in the year 2003. Record of the trial court has been received by this Court. The trial court is not proceeding with the trial of the accused/applicant in absence of the record. It would be just and expedient in the interest of the justice to direct the Registry to prepare the paper book on the priority basis of the entire case and send the original record to the trial court for the trial of the accused/applicant so that the case may be tried by the trial court

expeditiously. After the conclusion of the trial, the trial court is directed to send the record of this case to this Court.

(J.C.S. Rawat, J.)

Dated 30.04.2009
Shiv

