

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc. Application No.1114 of 2015

(Under Section 482 of Cr.P.C.)

Vikram Singh

.....Applicant

Versus

State of Uttarakhand and another

... Respondents

Hon'ble Sudhanshu Dhulia, J. (Oral)

Heard Mr. Raj Kumar Singh, Advocate for the applicant and Mr. H.S. Rawal, A.G.A. present for the State.

A complaint was filed by the respondent No.2 against the present applicant under Section 138 of the Negotiable Instruments Act wherein the applicant was convicted under section 138 of the Negotiable Instruments Act and sentenced for two years simple imprisonment with a fine of Rs.6,30,000/- vide order dated 28.10.2013 passed by Special Judicial Magistrate, Haldwani, District Nainital. Aggrieved, an appeal was filed before the learned District & Sessions Judge, Nainital being Criminal Appeal No. 206 of 2013 which is presently pending before learned Additional Sessions Judge, Haldwani. Bail was granted to the applicant on the certain condition which was not fulfilled by him, therefore, learned Additional Sessions Judge, Haldwani has issued non-bailable warrant against the present applicant vide order dated 27.04.2015. Hence the present application under Section 482 Cr.P.C.

At this stage, no interference is called for in the matter. In case the present applicant surrenders before the court below within a week. The non-bailable warrant issued against him shall be kept in abeyance till 08.09.2015.

However, the applicant will be at liberty to move an application for his bail before the court concerned, which shall be considered, as far as possible, on the same day itself on its merit, and if for any reason, the bail is deferred, the court concerned shall consider granting interim bail to the applicant.

With the aforesaid observation, the application filed under Section 482 Cr.P.C. stands disposed.

(Sudhanshu Dhulia, J.)

31.08.2015

JKJ