

C-482 No.918 of 2018

Hon'ble V.K. Bist, J.

Mr. Ajay Veer Pundir, Advocate for the applicant.

Mr. Sandeep Tandon, Advocate for the C.B.I.

Heard learned counsel for the applicant.

This C482 petition has been filed by the applicant to direct the court of Special Judge, CBI Dehradun to decide the bail application of applicant on the same day and further pleased to grant one week time to surrender before the court of Special Judge, CBI Derhadun, District Dehradun.

This is the second criminal misc. application filed by the applicant. Earlier applicant filed criminal misc. application no.1691 of 2017 for quashing the charge sheet and cognizance order, which was dismissed by this Court on 12.12.2017. Against the order of High Court, the applicant preferred an S.L.P., which too was dismissed.

It is contended by the counsel for that the applicant that applicant that due to physical ailments the applicant could not surrender before the trial court and he could not move bail application. It is contended that limited period prayer has been made by the applicant for direction to the Court concerned to take decision and decide the bail application of the applicant same day.

I have seen the order passed by the court below and perused the record. It is not a case where trial court has not exercised its jurisdiction in lawful manner. It is settled law that proceedings can be quashed under Section 482 Cr.P.C. only in rare cases where abuse of process of law is found. In this case after proper investigation charge sheet was filed, the Magistrate after accepting the charge sheet issued summoning order. This is not a case where High Court should interfere under Section 482 Cr.P.C. The C482 petition is dismissed.

Learned counsel for the applicant then prayed that the applicant will surrender before the Court concerned and will move the bail application and the Court concerned may be directed to decide his bail application same day.

In my view, every bail application should be considered and decided by the learned Court below without any unreasonable delay. Needless to say that it should be decided strictly in accordance with law.

Considering the submission of learned counsel for the applicant, it is observed that in case applicant moves bail application, the same shall be decided by the concerned Court very very expeditiously, preferably on the same day, in accordance with law.

Let certified copy of this order be supplied to the counsel for the parties within 24 hours on payment of usual charges.

(V.K. Bist, J.)
31.05.2018

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