

Court No. - 60

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41343 of 2018

Applicant :- Mohd. Usman

Opposite Party :- State Of U.P.

Counsel for Applicant :- Shahabuddin

Counsel for Opposite Party :- G.A.

Hon'ble Arvind Kumar Mishra-I.J.

Heard learned counsel for the applicant and the learned A.G.A. for the State.

It is a case of bail jumping. The applicant claims that he was on bail but during the course of proceedings of the trial, he went away for earning his livelihood and due to non communication about the date fixed in trial proceedings, he could not appear before the court concerned as a result of which, Non-Bailable Warrant has been issued against the applicant. The learned counsel for the applicant submits that the applicant has not deliberately and intentionally avoided the proceedings before the trial court. Learned counsel for the applicant also submits that the applicant is ready to furnish an undertaking that, in case, he is released on bail, he will not repeat the such mistake again in future and will cooperate with the trial and also remain present before the court concerned as and when the date is fixed in the trial proceedings.

The learned A.G.A. has vehemently opposed the prayer for bail.

In view of the submissions and the undertaking to be given by the applicant that he will not repeat such mistake again in future and will cooperate with the trial and also remain present before the court concerned as and when the date is fixed in the trial proceedings, this bail application is allowed.

Let the applicant- Mohd. Usman- involved in Criminal Case No.264 of 2012, Case Crime No.598 of 2011, under Section 392 IPC, Police Station-Azimnagar, district- Rampur be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the court concerned along with an undertaking that he will not repeat such mistake again in future and will cooperate with the trial and also remain present before the court concerned as and when the date is fixed in the trial proceedings. In case of default on the part of the

applicant in complying the conditions of such undertaking, the trial court shall be at liberty to proceed in accordance with law.

Order Date :- 30.11.2018
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