

Court No. - 62

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 44637 of 2018

Applicant :- Rajik Ali @ Chhote Lala

Opposite Party :- State Of U.P.

Counsel for Applicant :- Rajesh Dwivedi

Counsel for Opposite Party :- C.S.C.

Hon'ble Vivek Kumar Singh,J.

Heard Sri Rajesh Dwivedi, learned counsel for the applicant and Sri Sanjay Singh, learned A.G.A. appearing for the State.

It has been contended by the learned counsel for the applicant that due to some unavoidable circumstances, the applicant could not appear before the court on the dates fixed. It has further been stated that due to non appearance, non bailable warrant was issued against the applicant and in pursuance of the same, he was arrested and sent to jail. The trial is under progress and applicant undertakes to appear before the trial court on each and every date fixed by the trial court. The applicant has no other reported criminal antecedent. The applicant is in jail since 22.9.2018.

Learned A.G.A. opposed the prayer for bail.

Considering the facts and circumstances of the case, and without expressing any opinion on the merits of the case, I find it to be a case of bail.

Let applicant- Rajik Ali @ Chhote Lala, involved in Case Crime No. 31 of 2014, under Section 18/20 of N.D.P.S. Act, Police Station- Satti, District- Kanpur Dehat, be released on bail on his furnishing a personal bond with two sureties **(Rupees One Lac each) (One should be of a family member)** before the court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the

trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

The trial court is directed to expedite the trial of the present case and conclude the same expeditiously preferably within a period of one year from the date of production of a certified copy of this order, if there is no legal impediment.

Order Date :- 30.11.2018

ssm