

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 17912 of 2018

Applicant :- Deepak

Opposite Party :- State of U.P.

Counsel for Applicant :- Amit Misra

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal,J.

1. List revised. There is an illness slip of Sri Amit Misra, learned Counsel for the applicant. Sri Devendra Nath Mishra, learned counsel for the State is present.

2. This is the second bail application, the first bail application of the applicant was rejected vide order dated 23.08.2016 passed in Criminal Misc. Bail Application No. 28779 of 2015 (Deepak vs. State of U.P.) by the Hon'ble Karuna Nand Bajpayee,J. (as he was then).

3. The record shows that on 10.01.2022 and 02.02.2022 the Court convened through video conferencing and learned Counsel for the applicant could not be linked. Subsequently on 02.03.2022, learned Counsel for the State was directed to file a counter affidavit. On 16.01.2023 there was no representation on behalf of the applicant and the matter was directed to be listed peremptorily. On the next date on 20.02.2023 the matter was passed over on the request of learned counsel for the applicant. Subsequently on 03.03.2023 again the matter was passed over on the request of learned Counsel for the applicant which was directed to be listed peremptorily. Again then on 27.03.2023 there was no representation on behalf of the applicant to press the same and the matter was directed to be listed peremptorily. On 21.07.2023 there was an illness slip reported of Sri Amit Misra, learned Counsel for the applicant and the matter was thus adjourned and the Court directed it to be listed peremptorily. Subsequently today again there is an illness slip of learned Counsel for the applicant.

4. A report of the trial Court is on record which states that the trial in the matter is pending in which eight witnesses have been examined from the side of prosecution and one from the side of defence.

5. Since there has been repeated requests from the side of the applicant and illness slips despite the matter being ordered not to be adjourned, the matter is dismissed for non prosecution.

Order Date :- 26.10.2023

Vikram

(Samit Gopal,J.)