

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 13412 of 2021

Applicant :- Mohd Sonu

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Amit Kumar Chauhan

Hon'ble Krishan Pahal,J.

1. List has been revised. None has appeared to press this anticipatory bail application. Learned AGA is present for the State. In the circumstances, I myself have perused the record. Learned AGA could not apprise this Court about the present status of the trial.

2. The instant anticipatory bail application was filed on 16.06.2021. None was present on behalf of the applicant on 25.09.2023, 04.10.2023, 12.10.2023, 16.11.2023 and 30.11.2023. On 16.11.2023, office was directed to serve the notice to the applicant whereby as per office report dated 24.11.2023, the applicant has moved elsewhere from the address given in the documents and his house was locked. Under such circumstance, this Court is left with no other option but to dismiss the instant anticipatory bail applicant as it cannot be allowed to swing years together in the cloak of pendency.

3. Sub-Section 5 of Section 438 Cr.P.C. says that the anticipatory bail application be finally disposed of within thirty days of the date of such application. The Apex Court in para-73(k) of *Satender Kumar Antil vs. Central Bureau of Investigation and another*, reported in 2022 SCC Online SC 825 has held that the application for anticipatory bail are expected to be disposed of within a period of six weeks.

4. The Apex Court in *Ishwarlal Mali Rathod v. Gopal*, (2021) 12 SCC 612 has categorically held that courts shall not grant the adjournments in routine manner and mechanically and shall not be a party to cause for delay in dispensing the justice.

5. It appears that either the trial has concluded or the applicant has lost interest in pursuing the matter. Therefore, by the efflux of time, it seems to have been rendered infructuous.

6. The application is accordingly **dismissed as infructuous**.

7. Interim protection granted, if any, stands vacated.

(Justice Krishan Pahal)

Order Date :- 8.12.2023

Siddhant