

Court No. - 90

Case :- APPLICATION U/S 482 No. - 22064 of 2023

Applicant :- Rajesh Kumar

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Indra Dev

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak,J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.

2. The present applicant has invoked the inherent power of this Court under Section 482 CrPC beseeching the quashing of charge sheet No.208 of 2019 dated 11.11.2019 as well as entire proceeding of Session Trial No.173 of 2020 (State vs. Rajesh Kumar), arising out of Case Crime No.0172 of 2019, under Sections 363 and 376 I.P.C. and Section 3/4 of the Protection of Children from Sexual Offences Act, 2012 (POCSO), Police Station Madhotanda, District Pilibhit, pending in the court of Additional District and Session Judge/ Special Judge POCSO Act, Pilibhit.

3. After due deliberation at length on the merits of the case, learned counsel for the applicant has urged to grant protection to the present applicant against non-bailable warrant issued against him. It is submitted that this Court, vide order dated 14.10.2019 passed in Criminal Misc. Bail Application No.33844 of 2019, has granted bail to the present applicant, however, at a later stage, due to Covid-19 Pandemic, present applicant could not appear before the court below on the date fixed, consequently, non-bailable warrant has been issued on 11.12.2021. Thereafter, throughout dates are being fixed for the compliance of the said order issuing non-bailable warrant. It is further submitted that due to the illness and personal difficulties, present applicant could not appear before the court below and participate in the criminal proceeding, however, at this stage, he is ready and willing to appear and co-operate in the court proceedings, provided, he may be accorded some protection.

4. Having considered the peculiar facts and circumstances of the present case and the submissions as advanced by learned counsel for the applicant, no useful purpose would be served to keep the

instant application pending, therefore, this Court deems it appropriate to finally decided the instant application with the interim relief to the present applicant as directed hereinunder.

5. As such, instant application is finally disposed of, with the direction that the present applicant in case appears/surrenders before the court below and file bail application within a period of three weeks from today, the same shall be considered and decided by the court concerned within two weeks, thereafter.

6. For a period of five weeks or till the decision of the bail application, whichever is earlier, no coercive action shall be taken against the present applicant in aforementioned proceeding arising out of Case Crime No.0172 of 2019.

7. With the aforesaid direction, present application is disposed of.

Order Date :- 18.10.2023

Jitendra