

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 36339 of 2023

Applicant :- Ram Avtar

Opposite Party :- State of U.P.

Counsel for Applicant :- Amit Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Amit Kumar Singh, learned counsel for the applicant as well as Sri Mithilesh Kumar, learned A.G.A. for the State of U.P. and perused the record.

2. The instant bail application has been filed with the prayer to enlarge the applicant, **Ram Avtar**, on bail in Case Crime No. 1508 of 2003, under Section 2/3 of the U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station Bansi, District-Siddharth, during the pendency of the trial.

3. Learned counsel for the applicant submits that initially the accused-applicant was granted bail in the year 2005 and thereafter he regularly appeared before the trial Court. However, on 17.12.2008, N.B.W. was issued by the trial Court. The reason for non-appearance of the applicant is that he went outside the State for his livelihood. It is next submitted that after coming to know about the N.B.W. and other process, the applicant surrendered before the trial Court and moved an application for enlargement on bail on 10.7.2023, however, same was rejected and the applicant is in jail since then. It is submitted that the applicant would appear before the trial court on each and every date fixed by it.

4. Learned A.G.A. has vehemently opposed the prayer for bail and contended that only after issuance of process under Section 82, 83 and 446 Cr.P.C. the accused surrendered before the Court. It is next contended that it is a case of year 2003 and since 2005, the accused has not been appearing in the trial Court due to which the trial of the case is delayed and in case, the accused is granted bail, he will again abscond from the judicial process and linger the conclusion of the trial, as such the accused is not entitled for bail.

5. Considering the rival submissions of learned counsel for parties

as the case is pending since long due to abscondance of the accused, I do not find it fit case to enlarge the accused-applicant on bail.

6. Accordingly, the bail application is **rejected**.

7. However, it is directed that the trial Court shall endeavour to decide the trial within a period of six months from today in view of the provision of Section 309 Cr.P.C.

8. After conclusion of the trial as directed above, a compliance report be sent to this Court by the trial Court through Registrar (Compliance).

Order Date :- 30.10.2023

S.Verma