

Court No. - 4

Case :- APPLICATION U/S 482 No. - 38172 of 2023

Applicant :- Anil Kumar Jain

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

Counsel for Applicant :- Sanjay Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Prakash Padia,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to set aside / stay the effect and operation of the impugned order dated 13.07.2023 passed by Additional Special Judge (POCSO)-III, Allahabad issuing non bailable warrant against the applicant in S.T. No. 83 of 2017 (State vs. Rais & others), arising out of Case Crime No. 59 of 2009, under Section 379, 411, 413 & 414 of the Indian Penal Code, Police Station - Cantt, District - Allahabad, is pending in the court of Additional Special Judge (POCSO)-III, Allahabad. Further to direct the court below to consider the recall/bail application of the applicant in the light of the judgment of Hon'ble Apex Court rendered in the case of Satendra Kumar Antil vs. C.B.I. & Another.

3. It is argued by learned counsel for the applicant that on 20.02.2009 a First Information Report has been lodged by the respondent no. 2 in the form of Case Crime No. 59 of 2009, under Section 379 of the I.P.C. Police Station Cantt. District Allahabad against unknown person alleging therein that his vehicle has been theft by some unknown persons. Thereafter investigation has been completed by the Investigating Officer and Charge Sheet has been submitted into the matter against the applicant and other co-

accused persons. Thereafter the applicant has applied for bail and he has granted bail by the court below. It further argued that the trial court has proceeded into the matter, even though the applicant has been appeared before the trial court on each and every date which is clear from the order sheet. It is further stated that on 04.07.2023 an application has been filed on behalf of applicant claiming the adjournment. The application was allowed and the date was fixed but on that date due to some confusion he has not appeared before the court below and the court below issued non-bailable warrant on 13.07.2023 against the applicant. It is argued that the applicant is ready and willing to appear before the court below, if the non-bailable warrant shall kept in abeyance by this Court.

4. Considering the above, the non-bailable warrant issued against the applicants in the aforesaid case is kept in abeyance till the next date fixed in the matter, subject to the condition that the applicant shall appear before the court below on the next date fixed.

5. It is made clear that the court below will pass order in the matter strictly in accordance with law.

6. With the above, the present application is disposed of.

Order Date :- 13.10.2023

Swati