

Court No. - 91

Case :- APPLICATION U/S 482 No. - 41442 of 2023

Applicant :- Chandra Shekhar

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

Counsel for Applicant :- Bharat Singh

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar,J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the record.

2. This application under Section 482 Cr.P.C. has been filed by the applicant with the prayer to quash the impugned order dated 10.10.2023 as well as entire proceedings of S.T. No. 2334 of 2022, (State v. Chandra Shekhar) arising out of Case Crime No. 723 of 2022, under Sections 376, 504, 506 I.P.C., Police Station Majhola, District Moradabad, pending in the court of Special Judge, (POCSO Act), Court No.2, Moradabad and further prayer to stay the further proceedings of the aforesaid case has been made.

3. It is submitted by learned counsel for the applicant that on the date fixed 10.10.2023 the applicant who is the accused in S.T. No.2334 of 2022 (State v. Chandra Shekhar) was on his duty at Lucknow as the case was fixed for evidence of prosecution, the counsel for the accused could not appear before the Court for unavoidable reasons and the learned trial Court has dismissed the application of exemption moved on behalf of the applicant and bail bonds were forfeited and the NBW has been issued. It is submitted that the applicant desires to appear before the court seeking cancellation of NBW and furnish fresh bail bonds, if so directed by the Court.

4. Learned A.G.A. opposed the prayer and submitted that on the date fixed for evidence neither the accused was present nor his counsel was present but the witness was present. Learned trial court has no option but to cancel the bail bonds. There is no illegality in the impugned order.

5. In view of the rival submissions made by learned counsel for the parties, as the applicant desires to appear before the court for cancellation of NBW and furnish fresh bail bonds, the application is **disposed of** with the direction that the applicant may move an application before the trial Court for cancellation of NBW / fresh application to furnish fresh bail bonds which shall be heard and decided in accordance with law as expeditiously as possible.

6. For a period of four weeks, the non bailable warrant issued against the applicant shall be kept in abeyance.

Order Date :- 21.11.2023

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