Court No. - 28

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12026 of 2023

Applicant :- Anuj Sonker @ Bhalu
Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.
Counsel for Applicant :- D.P. Dutt Tiwari,Mayank Singh,Santosh Kumar Srivastava
Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Jyotsna Sharma,J.

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

2. The present bail application has been filed by the applicant seeking bail in Case Crime No. 46 of 2022, under sections- 307, 34 I.P.C. at Police Station- Manak Nagar, District- Lucknow.

3. Admittedly, the applicant accused committed default in appearing before the court concerned and jumped the bail granted to him in S.T. No. 01 of 2023. Non-bailable warrant was issued against him. He was arrested and lodged in jail. He contends that he was not served any notice or summon before ordering for issue of non-bailable warrant.

4. The application for bail is opposed by learned A.G.A., however certain aspects of the matter could not be refuted.

5. A perusal of order sheet demonstrates that he absented himself since the matter was posted for framing charge on 10.11.2022. The applicant assures that he will abide by the conditions of bail and shall cooperate in the trial and will not commit any default again in appearing before the court concerned till the conclusion of trial. He is in judicial custody since 12.06.2023 i.e. for about five months now. In the above circumstances, I find it fit to give him one more opportunity to abide by the conditions of bail and cooperate in trial.

6. Let applicant -**Anuj Sonker @ Bhalu** be released on bail in the aforesaid Case Crime Number on his furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not temper with evidence/witnesses.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against them under Section 229-A of the Indian Penal Code.

(iii) In case, the applicant misuse the liberty of bail during trial and in order to secure his presence, proclamation under Section 82 Cr.P.C. is issued and the applicant fail to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal

Code.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (a) hearing/framing of charge and (b) recording of statement under Section 313 Cr.P.C. without exception.

(v) It is further provided that before issuing the release order, present and permanent address of the accused as well as sureties shall also be duly verified and the applicant shall submit undertaking that he shall not change his address without prior intimation to the court concerned.

7. Any violation of above conditions will be treated misuse of bail and learned Court below will be at liberty to pass appropriate order.

Order Date :- 21.11.2023
Sumit Kumar

Digitally signed by :-
SUMIT KUMAR
High Court of Judicature at Allahabad,
Lucknow Bench