Court No. - 6

Case :- APPLICATION U/S 482 No. - 17784 of 2020

Applicant :- Harish Rajaura
Opposite Party :- State of U.P. and Another
Counsel for Applicant :- Digvijay Singh
Counsel for Opposite Party :- G.A.

Hon'ble Subhash Chand,J.

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

The present application under Section 482 Cr.P.C. has been filed for quashing the impugned order of N.B.W. dated 12.05.2017 as well as subsequent orders issuing process of N.B.W.+NS+82 &83 Cr.P.C. including order dated 27.01.2020 passed in complaint case no.2038 of 2015, Rammurti vs. Harish Rajaura, under Section 138 of N.I. Act, P.S. Sadabad, District Hathras.

Learned counsel for the applicants contends that the applicant is willing to move bail application before the court concerned and in the meantime the order of issuing N.B.W., notice to proceedings in pursuance of Sections 82 and 83 Cr.P.C. may be kept in abeyance.

Learned A.G.A. vehemently opposed this application and contended that there is no illegality in the impugned order and the court concerned has adopted the proper procedure for proceedings against the applicant-accused. Annexure-2 of the affidavit is the ordersheet. From the perusal of this ordersheet it is found that the court concerned had issued coercive process against the applicant-accused because of non appearance before the court despite service of summons, bailable warrants and execution of N.B.W..

Since the applicant is willing to appear before the court concerned to move bail application, therefore, one more opportunity may be given to the applicant.

The instant application under Section 482 Cr.P.C. is, therefore, disposed of with direction to the applicant to appear before the court concerned and apply for bail within one month from the date of production of computer generated copy of such order downloaded from the official website of High Court Allahabad

Meanwhile the operation of the impugned order shall remain in abeyance.

In case the applicant fails to apply for bail before the court concerned within the aforesaid period, the protection given to the applicant shall deem to be vacated.

Order Date :- 1.12.2020
Asha