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**CRM-M-6609-2024****2**

(Annexure P-2) passed by this Court in CRM-M-32056-2023. Thereafter, he had been appearing in the trial Court but on 23.11.2023, he could not appear in Court due to certain circumstances beyond his control and the case was adjourned to 16.01.2024 by cancelling the bail of the petitioner and ordering his presence through non-bailable warrants of arrest. He submits that on the adjourned date i.e. 16.01.2024, the petitioner had surrendered in the trial Court and moved application for grant of bail which which was dismissed by learned trial Court. The petitioner is in custody since 16.01.2024 on account of his absence on single date and as such prayed for grant of bail.

5. Per contra, learned State counsel has not disputed the factual matrix and not disputed the fact that the petitioner was originally granted bail in the case and presently he is in custody since 16.01.2024 on account of his absence from trial.

6. After considering the rival contentions and perusing the record, admittedly the petitioner, after having been arrested in case FIR (Annexure P-1), was granted concession of bail by this Court vide order dated 09.08.2023 (Annexure P-2). The petitioner had absented from trial on 23.11.2023 leading to cancellation of his bail and issuance of non-bailable warrants of arrest, however, petitioner surrendered in Court on the next date of hearing i.e. 16.01.2024 and moved application for bail and his bail application was dismissed. He is in custody since 16.01.2024. It transpires that presently the petitioner is in custody on account of his absence from proceedings, although earlier he was granted concession

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of bail in the FIR. The conclusion of trial, to ascertain criminal liability if any of the petitioner, will take sufficient long time. No useful purpose would be served by detaining the petitioner in custody any longer in the present case. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

04.07.2024
kanika

(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |