

253-6 CRM-A-450-MA-2017 (O&M)

Premjee and Company vs. Naresh Kumar

Present: Mr. Karan Gupta, Advocate
for the applicant(s).

Mr. Rajesh Gupta, Advocate
for the respondent.

CRM-7424-2017

Present application has been filed for condonation of delay of 29 days in filing the present leave to appeal.

For the reasons mentioned in the application, the same is allowed.

Delay of 29 days in filing application for leave to appeal, is condoned.

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Counsel appearing for the applicant(s) submits that the present application was filed against acquittal in the year 2017 and they have a very good case on merit.

On the contrary, respondent’s counsel submits that the judgment of acquittal is well reasoned and leave to appeal should not be granted. He further submits that in case, this Court grants leave to appeal and admit the main appeal, its turn will not come for hearing for decades, as such pendency of the appeal may be treated in-consequential for the respondent.

Leave to appeal is granted.

The accused to execute a bond for attendance within two months, undertaking to appear in this court, in case the appeal is allowed.

In Mahidul Sheikh v. State of Haryana, CRM-33030-2021 in CRA-S-363-2020, decided on 14-01-2022, Para 53, this Court observed,

[53]. The pragmatic approach is that while granting bail with sureties, the “Court” and the “Arresting Officer” should give a choice to the accused to either furnish surety bonds or to handover a fixed deposit, or direct electronic money transfer where such facility is available, or creating a lien over his bank account. The accused should also have a further option to switch between the modes. The option lies with the

accused to choose between the sureties and deposits and not with the Court or the arresting officer.

Given above, within two months, the accused shall furnish a personal bond of Rs. Ten Thousand only (INR 10,000/-), and furnishing one surety for Rs. Twenty-Five thousand only (INR 25,000/-), to the satisfaction of the concerned Trial Court/Duty Magistrate.

The attesting officer shall, on the reverse page of personal bonds, mention the permanent address of the accused along with the phone number(s), WhatsApp number (if any), e-mail (if any), and in case of any change, the Accused shall immediately and not later than 30 days from such modification, intimate about the change of residential address and change of phone numbers, WhatsApp number, e-mail accounts, to the Registry of this Court.

The furnishing of the personal bonds shall be deemed acceptance of the all stipulations, terms, and conditions of this bail order.

There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the accused can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

Registry to communicate this order to the trial Court without any delay.

Main appeal

Admit.

List on its own turn as per queue following the roster.

It is clarified that pendency of this appeal shall be in-consequential for any purpose.

(Anoop Chitkara)
Judge

22.07.2024
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