

(2009) 06 AHC CK 0041

Allahabad High Court (Lucknow Bench)

Case No: None

Ram Kishore and another

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision: June 9, 2009

Hon'ble Judges: Alok Kumar Singh, J

Final Decision: Disposed Of

Judgement

Alok K. Singh, J.

Learned A.G.A. has put in appearance on behalf of opposite party no.1.

At this stage notice in respect of opposite party no. 2 is dispensed with.

The petition under Section 482 Cr.P.C. has been filed against the orders dated 14.03.2007 passed by Judicial Magistrate, Hardoi and also the subsequent order dated 27.08.2008 whereby the discharge application moved under Section 245 (2) Cr.P.C. has been rejected.

From the above it appears that it is a stale matter which has been filed during vacation. It is also told that coaccused Anoop Kumar has already appeared before the court below and has obtained bail and as a law abiding citizen, both the petitioners also intend to appear before the court below to seek bail.

Learned counsel for the petitioners submits that an order may be passed directing the learned lower court to consider their bail applications expeditiously. He does not want to press any other relief.

At this stage without entering into the merits of the case in view of the aforesaid facts and circumstances that the offences are not of very grave nature, it is directed that if the applicants appear before the court concerned and apply for bail within two weeks from the date of certified copy of the order is produced before it, the court(s) below shall dispose of the applications expeditiously preferably on same day, if possible, in accordance with the Full Bench decision of this Court Srimati

Amrawati and another Vs. State of U.P. 2004 CBC page 705. Thereafter, the trial court may permit the applicants to appear through counsel and raise their objection, if any, against the initiation of trial proceedings against them at the stage of framing of charges. This relief is being granted up to the stage of framing of charges only provided the applicants after securing bail (1) furnish an undertaking to the satisfaction of the trial court that their counsel will remain present on their behalf and will represent them on each and every date, (2) they will not raise any objection as to the actual presence of the person who is facing trial, (3) no objection shall be raised that the evidence is being recorded in their absence, (4) an undertaking will also be given to the effect that they will be present before the court whenever called upon to do so at any stage. These directions are being accorded in the light of the observations made by Hon"ble Apex Court in the case of M/s Bhaskar Industries Ltd. Vs. Bhiwani Denim and Apparels Limited reported in 2001 Cri. Law Journal page 4250.

With these observations this application under Section 482 Cr.P.C. is finally disposed of.