

In the Court of Mrs. Jagdeep Kaur Virk, UID no. PB0152
Additional Sessions Judge,
Ludhiana

Bail Application No.166 dated 17.04.2018
CNR No.PBLD010080952018
CIS No.BA/2928/2018
Date of Order: 23.04.2018

State

versus

Mukesh Kumar @ Vicky, age not mentioned, son of Sheeshpal, R/o Street
no. 3, Gulmohar Nagar, Khanna.

.....applicant-accused

FIR No.48 dated 20.02.2017
under Section 363, 366-A, 376-D IPC
Section 6, 17 Protection of Children from Sexual Offence Act
P.S. City Khanna.

Present: Sh. Vishal Kumar Dua, Advocate
for applicant-accused Mukesh Kumar @ Vicky
Mrs. Pooja Singal, Addl.PP for State

ORDER

On 17.04.2018 applicant-accused filed an application under
Section 438 Cr.PC seeking anticipatory bail in FIR No.48 dated
20.02.2017, under Section 363, 366-A, 376-D IPC, Section 6, 17
Protection of Children from Sexual Offence Act, P.S. City Khanna.

2. On notice, Addl.PP for State appeared and main file pending
before this court bearing CNR No. PBLD010123112017 titled as State Vs
Amrinder Singh etc. is put up.

3. Heard. Record perused. Admittedly applicant-accused absented from the trial without intimation on 16.04.2018 and thus his bail order, bail bonds and surety bonds were canceled. It is contended by Ld. Counsel for applicant-accused that on the date fixed the applicant-accused could not appear before this court as he was suffering from viral fever. So the absence of the applicant-accused was not intentional and willful but due to the reasons stated above. To support his contention, applicant counsel placed on record medical certificate.

4. On the other hand ld. Addl.PP for State opposed the bail application.

5. The applicant-accused absented from the trial on 16.04.2018 and is seeking the relief of anticipatory bail. The plea of the applicant that he could not appear due to viral fever is not acceptable because the applicant-accused did not move any application seeking exemption from personal appearance on the date fixed. The medical certificate does not bear any number and issuance date. No medical prescription slip is placed on record. The plea of applicant-accused that on 16.4.2018, after taking medicine he reached before this court during lunch time and came to know that his bail bonds are canceled and non bailable warrants are issued against him, is not acceptable. In case applicant-accused appeared in the court on the same day, then he could have moved an application to get himself marked present but no such application has been filed. The Provision of anticipatory bail is meant only for law abiding persons. The applicant-accused having misused the process of law is not entitled to the relief of anticipatory bail. The remedy available to the applicant is to

surrender before the court and to apply for regular bail.

6. In view of the reasons recorded above, the instant bail application is dismissed. Bail application file be attached with the main file.

Pronounced: 23.04.2018
Sonia Gupta

(Jagdeep Kaur Virk) UID No.PB0152
Addl. Sessions Judge,
Ludhiana