

20.11.2024

Crl.M.P.No. 1/2024 in SC.No. 40/2024

Orders pronounced.

Both side heard. This petition is filed for the accused U/s. 483 of BNSS. On behalf of the petitioner represented by the counsel as the petitioner is in the Judicial custody for the past 16 days. The petitioner not appeared before the Court regularly, hence the NBW was issued against the accused on 10.10.2024, then the accused was after execution of the NBW, he is put into Judicial custody from 05.11.2024. Since the accused was suffering from Viral Fever. Hence he unable to appear before the Court. Hence, this Court may kindly be released the accused on bail with any condition. Per contra the prosecution in reply stated that if the accused released on bail there is a chance to absconding the accused and he will be fled away to some other states, at the same time the case was already tried by the concerned Judicial Magistrate and all the evidences was closed. At the time of Judgement only case was transfered to this Court. Hence the prosecution opposed the release of the accused on bail.

Considering the above rival submissions it is found that on non appearance of the accused in this case only the NBW was issued against him. Now the accused is in Judicial custody for the past 16 days as per the defense. The case pending from the year 2023. On perusal of the bundle found that except one hearing, all the hearings the accused was present before this Court. Considering the circumstances the accused is ordered to be released on bail with the following conditions.

- 1) The petitioner produced two surities and execute bond for sum of Rs.10,000/- in which one of the surity to be a blood relative.
- 2) The accused should be appear before the Court in person or through his Counsel without fail and he should not disturb the trail on his non appearance. If so U/s.269 (A) BNS Action will be initiated against the accused.

CJM, Dgl.