

03.7.2026

In the Court of Sessions Judge, Bijnor.
Anticipatory bail application no.2007/2026

ORDER

This first application for anticipatory bail has been moved on behalf of accused-applicants **Shiva and Chatrey** in crime no. 562/2023 u/ss:452,323,504,506 IPC P.S Seohara, Bijnor.

Heard the learned counsel for the applicant-accused as well as learned DGC(Crl.) for the State and perused the case diary.

On perusal of complaint, it reveals that on 07.10.2023 at about 7.00 PM her husband was not at her home. At the same time, accused persons Shiva, Ankit, Vishal and Chatrey having armed with lathi danda came there and started to hurl abuses on her relatives. When she forbade them, they became furious and they started to do marpit with her relatives. As a result her relatives sustained injuries. While leaving the spot, they managed to escape from there while extending life threat.

It has been submitted on behalf of the applicants-accused that service of process of Court was not made upon them.

In this matter, the accused-applicants themselves have admitted in contents of bail that NBWs have been issued against them. There is also original record before the Court. Perusal of order sheet reveals that BWs worth Rs.10,000/- were issued againsts the accused-applicants, which was served upon them and they have also filed personal bond before the Police. Thereafter, on 14.11.2025 NBWs were issued against them which goes to show that the applicants-accused had knowledge of this case. As such, the applicant-accused deliberately absconded from the proceeding of the Court despite service of B.Ws on them and wasted the time of Court. The matter is old one and due to the absconding of applicants-accused the trial of the year 2023 is still pending. **Hon'ble the Apex Court in case law Srikant Upadhyaya Vs. State of Bihar and Anr while delivering judgment in Spl. Leave Petition(Crl.) no. 7040 of 2023** has been pleased to observe that in the matters where NBW has been issued against the accused, they should not be released on anticipatory bail because on account of absconding of accused-applicants the disposal of case remains at pause and pendency piled up in Courts. Moreover, Accused-applicants are named

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and a cognizable offence is made out against the accused-applicants. In such cases, no accused should be granted anticipatory bail.

In view of above, this application for anticipatory bail of accused-applicants is rejected.

Sessions Judge,

Bijnor.

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