

**Hon'ble N.S. Dhanik, J.**

(Via Video Conferencing)

Mr. R.P. Nautiyal, learned Senior Counsel for the appellant.

Mrs. Pushpa Bhatt, learned Deputy Advocate General for the State.

On 23.09.2020, none appeared for the appellant. Hence, this court had issued NBW against the appellant through CJM concerned.

It is reported by CJM Rudraprayag that NBW has been executed against the appellant and he is in judicial custody.

Now Bail application (CRMA No. 3791/2020 has been moved on behalf of the appellant.

Learned counsel for the appellant contends that the non appearance of the appellant's counsel on the date fixed was neither willful nor deliberate. He also contends that appellant is driver by profession and he has never misused the bail earlier granted by the Court.

Learned State Counsel opposed the bail application.

Considering the submissions of learned counsel for the parties, the bail application is hereby allowed. Let the appellant be released on bail, on the same terms and conditions on which he was granted bail on 07.04.2005 by this Court.

Registry is directed to supply the paper book to the learned counsel for the parties, as per rules.

At the request of learned senior counsel for the appellant, list this matter after one month.

In the meantime, translated copy of the impugned judgment; FIR and the statements of the witnesses be filed by the appellant.

Bail application stands disposed of accordingly.

**(N.S. Dhanik, J.)**

27.10.2020

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