

Court No. - 47

Case :- CRIMINAL APPEAL No. - 2475 of 1988

Appellant :- Ram Babu & Others

Respondent :- State Of U.P.

Counsel for Appellant :- A.C. Chaturvedi

Counsel for Respondent :- A.G.A.

Hon'ble Ram Surat Ram (Maurya),J.

Hon'ble Mukhtar Ahmad,J.

The case was listed on 13.4.2018 and no one appeared for the appellants as such non-bailable warrants were issued to the appellants.

Sri Anurag Shukla, learned counsel for the appellant nos. 2 and 3 has filed this application for recall of the order dated 13.4.2018 issuing non-bailable warrant against the appellant no.2 along with delay condonation application. In the affidavit it has been stated that appellants had engaged Sri S.S. Tiwari, who had died. They could not get any information regarding death of the counsel, therefore, they could not engage any new counsel.

Cause shown is sufficient. Delay in filing the recall application is condoned. Recall application is allowed. The order dated 13.4.2018 is recalled for appellant no.2 Sadhu.

Learned counsel for the appellants submits that Ram Babu appellant no.1 has died.

Call for a report from the Chief Judicial Magistrate regarding death of Ram Babu appellant no.1.

In compliance of the non-bailable warrant issued by this Court by order dated 13.04.2018, Narendra Kumar-appellant no.3 was arrested on 20.5.2018.

As the appeal is not ready for hearing, as such let the **appellant no.3 Narendra Kumar** be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned, subject to following conditions:-

- i. The applicant will not tamper with prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.
- ii. The applicant will abide the orders of court, will attend the court on every date and will not delay the disposal of trial in

any manner whatsoever.

iii. The applicant will not indulge in any unlawful activities.

iv. The applicant will not misuse the liberty of bail in any manner whatsoever.

The identity, status and residential proof of sureties will be verified by court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the applicant to prison.

Office shall prepare paper book.

List this case in the week commencing 6.8.2018.

Order Date :- 28.5.2018

Fhd.