

**Dinesh Kumar      Versus      The C.D. Co-operative  
Credit Society Ltd., Chauntra**

**03.08.2023.**

**Present:**      Sh. Vinod Prashar,      Adv.,      for      the  
applicant/accused.

Sh. Dinesh Singh,      Adv.,      for      the  
respondent/complainant.

**ORDER:**

By this order, application filed under Section 70(2) of Cr. P.C. read with Section 437 of Cr. P.C. for cancellation of non-bailable warrant and for the grant of bail, is being disposed of. It is submitted by the applicant that on the date on which the arrest warrant has been issued against the accused, the applicant/accused could not remain present before this Court as he had forgotten the date of hearing of the case and his mobile phone had been lost due to which she could not contact his lawyer. The non-appearance is neither intentional nor willful but for the reason assigned above. Further, he is ready to furnish personal bond and surety bond to the satisfaction of this Court. Hence, prayed for the bail.

2.                      Learned counsel for the respondent/complainant has endorsed his no objection on the application itself if the same stands allowed.

3.                      Heard.      This Court is satisfied with the submissions of learned counsel for the applicant that his absence was neither intentional nor willful but for the above stated reason. Moreover, keeping in view the track record of accused as he is not habitual offender, leniency is taken. No useful purpose would be served by curtailing the personal liberty of the accused person. It is generally accepted that bail is rule and jail is an exception. Besides this, learned counsel for the respondent/complainant has

already marked his no objection on the application if the same stands allowed. Accordingly, application is allowed subject to the following conditions:

1. Accused shall furnish his address proof and personal bond in the sum of Rs. 70,000/- along with one surety in the like amount to the satisfaction of this Court.
2. Accused shall not commit offence similar to which he is accused in the present case.
3. Accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police Officer or he shall not tamper with the evidence.
4. Accused shall not leave the jurisdiction of State of H.P. without prior permission of the Court.
5. Accused shall appear before this Court or to the police as and when required.

4. It is pertinent to satisfy that in case of breach of any one of the conditions imposed, the complainant can apply for cancellation of the bail.

5. Requisite bonds furnished, attested and accepted by this court today. Necessary intimation should be given to the S.H.O. of concerned Police Station. NBW stands cancelled and called back unexecuted. The present application stands disposed of. Be registered and papers after due completion be tagged with concerned case file for record. Criminal Ahalmad is directed to do the needful. Dasti copy also be given, if prayed for.

Announced  
03.08.2023.

**(Megha Sharma),  
JMFC, Joginder Nagar,  
Distt. Mandi, H.P.**