

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1312 OF 2019
Arising out of SLP(CrI.) No.1674 of 2016

ATUL CHHABRA

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

O R D E R

Leave granted.

Respondent No.2 who is accused of offences punishable under Section 406, 420, 467, 468, 471 and 34 IPC, was granted bail by the High Court. The Appellant who is the complainant has filed this appeal aggrieved by the said order. Notice was issued on 19.02.2016. On 22.07.2016, this Court was informed that Respondent No.2 had stopped appearing in the trial Court and that he was not traceable. Non-bailable warrants were issued by this Court against Respondent No.2 on 22.07.2016.

Thereafter on 24.10.2016, the non-bailable warrant was recalled on the undertaking that Respondent No.2 shall appear personally in this Court as and when the matter is listed.

The Respondent has disappeared thereafter and his whereabouts are not known.

We directed the Respondent-State to file an affidavit informing this Court about the steps taken to

trace the whereabouts of Respondent No.2. An affidavit filed on behalf of the State of Uttar Pradesh shows that Respondent No.2 is not to be found even at his permanent address. On inquiries made by the police, they have learnt that Respondent No.2 along with his family might have left the country. The State has addressed a letter dated 20.08.2019 to the Bureau of Immigration, Delhi for a Look Out Circular against Respondent No.2.

The State is directed to continue with its efforts to trace the whereabouts of Respondent No.2 and produce him in the trial Court as and when he is found.

Taking into account the conduct of Respondent No.2, we are of the opinion that he is not entitled for the benefit of bail. Therefore, we set aside the order of the High Court by which he was granted bail.

The appeal is, accordingly, disposed of. Pending applications, if any stand disposed of.

.....J
(L. NAGESWARA RAO)

.....J
(HEMANT GUPTA)

NEW DELHI;
30th August, 2019

ITEM NO.19

COURT NO.9

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s).1674/2016

(Arising out of impugned final judgment and order dated 26-10-2015 in CMBA No.38080/2015 passed by the High Court Of Judicature At Allahabad)

ATUL CHHABRA

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

(FOR ON IA 17336/2016 (application for direction)
IA No. 17336/2016 - DIRECTIONS)

Date : 30-08-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Ms. June Chaudhari, Sr. Adv.
Ms. Sumeeta Chaudhari, Adv.
Mr. Ashok Mathur, AOR

Mr. Nagendra Singh, Adv.
Mr. Mayank Mittal, Adv.
Mr. Vipul Maheshwari, Adv.
Dr. Sanjay Gupta, Adv.

For Respondent(s) Ms. Aishwarya Bhati, AAG
Mr. Sarvesh Singh Baghel, AOR
M/S.V.Maheshwari & Co., AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the
signed order. Pending application, if any stand
disposed of.

(B.Parvathi)
Court Master

(Sunil Kumar Rajvanshi)
Court Master

(Signed order is placed on the file)