

Court No. - 88

Case :- APPLICATION U/S 482 No. - 4318 of 2021

Applicant :- Anil Kumar And 2 Others

Opposite Party :- State Of U.P And Another

Counsel for Applicant :- Vijay Kumar Dwivedi, Ashish Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh, J.

1-Heard learned counsel for the applicants, learned Additional Government Advocate for the State of U.P./opposite party no.1 and perused the record.

2-This application under Section 482 Cr.P.C. has been filed by the applicants to quash the charge-sheet No. 12 of 2020 dated 12.01.2020, cognizance orders dated 17.06.2020 and 06.11.2020 and proceedings of Criminal Case No. 1089 of 2020 (State Vs. Rahul and others) arising out of Case Crime No. 0541 of 2019, under Sections 323, 504, 506 I.P.C. and Section 3(2)(Va) SC/ST Act, Police Station Sasni Gate, District Aligarh, pending in the court of Additional Session Judge/Special Judge (POCSO Act 2012), Aligarh.

3-At the time of filing this application in the year 2021, interim protection was granted to the applicants vide order dated 18.02.2021, thereafter, it was not extended, therefore, in view of the judgment of the Apex Court in the case of Asian Resurfacing of Road Agency Pvt. Ltd. and another vs Central Bureau of Investigation, AIR 2018 SC 2039, as on date, there is no interim order in this case.

4-At the outset learned counsel for the applicants gave up his challenge to the aforesaid impugned charge-sheet, cognizance order and impugned criminal proceedings against the applicants and confined his submission requesting to grant some protection to the applicants to surrender before the concerned court below. The learned counsel for the applicants further stated at the Bar that he is not pressing any other prayer made in this application on merits and prayed that a direction may be issued to

the concerned court below to consider and decide the bail application of the applicants expeditiously.

5-Learned A.G.A. for the State of U.P. submits that in case the applicants are not pressing the relief as sought for by them on merits and want to surrender before the concerned court below, he has no objection if the Court grants protection to them for a short period.

6-In view of the above, the relief as sought by the applicants in the instant application is refused.

7-However considering the aforesaid alternative prayer made by learned counsel for the applicants, it is directed that the applicants shall surrender before the concerned court below within two weeks from today and in case they apply for bail, the bail application of the applicants shall be disposed of expeditiously by the courts below in accordance with law and keeping in view the guidelines as laid down by the Apex Court in the case of **Satender Kumar Antil vs Central Bureau of Investigation and another**, reported in **2021 SCC Online SC 922**.

8-For the period of two weeks from today or till the time of surrender of the applicants before the concerned court below, whichever is earlier, they shall not be arrested in the above case.

9-With the above observations and directions, this application under Section 482 Cr.P.C. is disposed of.

10-Pending application, if any, stands disposed of.

Order Date :- 16.11.2023

Kashifa