

Court No. - 81

Case :- MATTERS UNDER ARTICLE 227 No. - 7163 of 2023

Petitioner :- Divya Prakash Yadav

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ram Manohar Kashyap, Ajay Kumar Pandey

Counsel for Respondent :- G.A.

Hon'ble Mrs. Jyotsna Sharma, J.

1. Heard Sri Jaideep Tripathi, Advocate holding brief for Sri A.K. Pandey, learned counsel for the petitioner and Sri S.C. Mishra, learned AGA for the State.

2. This petition under Article 227 of the Constitution has been filed challenging the order dated 05.05.2023 passed by Special Judge, POCSO Court, Ghazipur in SST No. 777 of 2021 (State vs. Divya Prakash Yadav) arising out of case crime no. 61 of 2020, under sections 354Gha, 506 IPC and 7/8 POCSO Act, P.S.-Rewatipur, District Ghazipur, by which the discharge application moved by the accused was rejected.

3. After arguing for sometime, the petitioner seeks not to press the reliefs claimed in the petition and further prays for directing the court to consider his bail application in light of law laid down by the Supreme Court in ***Satendra Kumar Antil vs. Central Bureau of Investigation and Another; (2021) 10 SCC 773.***

4. Learned AGA has no objection in case such a direction is given to the court concerned in the aforesaid criminal case.

5. In view of the nature of prayer, the requirement of notice to private respondent no. 4 is dispensed with.

6. In view of the dropping of the reliefs claimed in the petition and the prayer made by the petitioner today, it is provided that in case, the petitioner/applicant surrenders before the court concerned, **within a period of 15 days**, and moves an application for bail, the same shall be decided strictly in accordance with law.

7. Accordingly, this petition under Article 227 of the Constitution is ***disposed of.***

Order Date :- 1.11.2023

#Vikram/-