

Court No. - 93

Case :- APPLICATION U/S 482 No. - 36738 of 2023

Applicant :- Ashish Gupta And 4 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Sunil Srivastava, Ashish Rai, Om Prakash Rai

Counsel for Opposite Party :- G.A., Kaustubh Tripathi

Hon'ble Arun Kumar Singh Deshwal, J.

1. Heard Sri Om Prakash Rai, learned counsel for the applicants, Ms. Alka Upadhyay, Advocate holding brief of Sri Kaustubh Tripathi, learned counsel for the opposite party no.2, Sri Rajeev Kumar Singh, learned A.G.A for the State and perused the record.

2. The instant application under Section 482 Cr.P.C. has been filed to direct the court below for further investigation under Section 173(8) Cr.P.C. by separate investigating agency in Criminal Case No.1166 of 2020 arising out of Case Crime No.25 of 2019, under Sections 498-A, 377, 506 IPC and 3/4 D.P. Act, Police Station Naubasta, District Kanpur Nagar and further prayed for staying the proceeding of the aforesaid case.

3. Contention of learned counsel for the applicant is that he does not want to press the aforesaid prayer. He further submits that the applicant nos.3, 4 and 5 are ready to surrender before the court below and apply for bail. This Court may be pleased to direct the court concerned to consider the bail application of the applicant Nos.3, 4 and 5 expeditiously within stipulated period of time as may be fixed by this Court. He next submits that the applicant nos.1 and 2 have already obtained bail.

4. Considering the aforesaid submissions, the present application is **disposed of** with the direction that in case, the applicant Nos.3, 4 and 5 surrender before the Court concerned and apply for bail within three weeks from today, their bail application shall be considered and decided expeditiously by the court below, in view of law laid down by the Apex Court in the case of **Satender Kumar Antil vs Central Bureau of Investigation and another, 2021 SCC Online SC 922.**

5. For a period of four weeks from today or till disposal of bail

application of applicant nos.3, 4 and 5, whichever is earlier, no coercive action shall be taken against the applicant nos.3, 4 and 5 in the aforesaid case.

6. So far as applicant nos.1 and 2 are concerned, they had already obtained bail, therefore, their application is rejected.

Order Date :- 31.10.2023

A.Kr.