

Court No. - 93

Case :- APPLICATION U/S 482 No. - 38023 of 2023

Applicant :- Talib

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Janardan Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Brijesh Kumar Yadav, learned counsel holding brief of Sri Janardan Yadav, learned counsel for the applicant and Sri Anish Kumar Upadhyay, learned AGA for the State.

2. This application was filed seeking direction to the court below to accept the fresh bail bond in added Section-413 IPC bearing Case Crime No.493 of 2022, u/s 379, 411 IPC, Police Station-Deogaon, District-Azamgarh, pending in the court of Judicial Magistrate, Court No.10, Azamgarh.

3. Contention of learned counsel for the applicant is that during investigation, applicant was enlarged on bail by the learned Additional Sessions Judge, Court No.3, Azamgarh vide order dated 05.01.2023, u/s 379, 411 IPC in case crime no.493 of 2022, Police Station-Deogaon, District-Azamgarh. Police after investigation submitted chargesheet u/s 379, 411 and 413 IPC, therefore, applicant is required to obtain bail u/s 413 IPC (added section).

4. Considering the aforesaid submission, it is provided that if the applicant surrender and moves an application for bail before the court below within a period of three weeks from today, then his bail application shall be considered in view of the law laid down in ***Satendra Kumar Antil vs. Central***

Bureau of Investigation and Another, (2021) 10 SCC 773.

5. For a period of four weeks or till disposal of the bail application of the applicant (for added Section-413 IPC), whichever is earlier, no coercive action shall be taken against the applicant in Case Crime No.493 of 2022, u/s 379, 411 and 413 IPC, Police Station-Deogaon, District-Azamgarh, pending in the court of Judicial Magistrate, Court No.10, Azamgarh.

6. With the aforesaid observations, present application is **disposed of.**

Order Date :- 7.11.2023

S.Chaurasia