

Court No. - 93

Case :- APPLICATION U/S 482 No. - 44965 of 2023

Applicant :- Dr. Sunil Kumar Saroj

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Shivasare

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Applicant Dr. Sunil Kumar Saroj, has filed this application under Section 482 Code of Criminal Procedure for issuance of directions to the Special Court Gangster Act to decide his bail application in Case Crime No.610 of 2023 registered under Section 3(1) of U.P. Gangster and Antisocial Activities (Prevention) Act, 1986 at Police Station- Gulriha, District- Gorakhpur.

Learned counsel for the applicant submits that the applicant is falsely implicated in the above case and he has an apprehension of arrest at the hands of police. Learned counsel for the applicant prays for limited indulgence for issuance of directions to the Special Court, Gangster Act, to decide his application for bail on the same date, when the applicant surrenders.

After hearing the learned counsel for the applicant and considering his submissions, this Court finds that the applicant is an accused in other cases and on the basis of the Gang Chart he has been made an accused in the above mentioned Case Crime No.610 of 2023.

Concededly, previously the petition filed by the applicant bearing Criminal Misc. Writ Petition No.11864 of 2023, seeking quashing of this FIR stands dismissed on 16.08.2023 (Annexure No.3). Further, there is nothing on record to show that the application for bail has been filed by the applicant either under Section 438 Code of Criminal Procedure

or under Section 439 Code of Criminal Procedure. Since the applicant is yet to surrender, therefore, at this stage, no direction relating to his bail can be passed.

The application fails and is dismissed.

Order Date :- 8.12.2023

A Gautam