

Court No. - 13

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2388 of 2023

Applicant :- Ashraf @ Afsar Ali

Opposite Party :- State Of U.P. Thru Prin.Secy. Home Lko
And Anr.

Counsel for Applicant :- Ramendra Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Karunesh Singh Pawar,J.

This is the second anticipatory bail application. The first anticipatory bail application of the applicant was dismissed for want of prosecution vide order dated 12.01.2023 passed in Criminal Misc. Anticipatory Bail application U/S 438 CrPC No. 5714/2021 "Nurul Hasan and others Vs. State of U.P."

Heard learned counsel for applicant as well as learned Additional Government Advocate for State.

Notices to respondent no. 2 are dispensed with in view of the proposed order.

The present application for anticipatory bail has been filed for protection in regard to F.I.R. No. 139/2019, under sections 308/324/323/504/506 I.P.C., P.S. Kaiserganj, district Bahraich.

After arguing for some time, applicant's counsel submits that the present application for anticipatory bail may be dismissed as not pressed with liberty to file a regular bail application which may be decided in view of law laid by Supreme Court passed in Special Leave to Appeal (Cri) No.5191 of 2021 "Satender Kumar Antil versus Central Bureau of Investigation and another".

Learned A.G.A. has no objection to the prayer of learned counsel for the applicant.

In view of the above, present anticipatory bail application is **dismissed** as not pressed. It is provided that in case a regular bail application is filed within ten days from the date of receipt of certified copy of this order, the same be decided in view of the law laid by by Supreme Court vide order dated 7.10.2021 passed in the case of Satender Kumar Antil (supra).

Order Date :- 28.10.2023

R.C.