

Court No. - 12

Case :- APPLICATION U/S 482 No. - 12061 of 2023

Applicant :- Mubarak @ Lallu And 5 Others

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Civil Sectt. Lko And 3 Others

Counsel for Applicant :- Desh Mitra Anand, Jitesh Singh @ J.K. Chaudhary

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
2. The present application under Section 482 Cr.P.C. is filed with the prayer to direct the learned trial court that (i) applicants whose appearance is noted and have submitted their personal & surety bonds should not be insisted to obtain bail and order in respect of acceptance of the same be passed, (ii) it may further be directed that Trial Court should not send & keep applicants in jail without concluding fair trial as per law ignoring the irrelevant, non reasonable & illegal suggestions offered & submitted behalf of on complainant.
3. Learned counsel for the applicant has submitted that there is a presumption that applicant might be taken into custody by the court below, despite order passed on 22.11.2023 by which application under Section 88 Cr.P.C. accepted and personal bond & two surety bonds were already submitted, therefore, kind indulgence of this Court is necessary.
4. Learned A.G.A. opposed the prayer of the applicant and has submitted that the offence is related to the provisions of POCSO Act alongwith the provisions of Indian Penal Code, and the application under Section 88 Cr.P.C. wrongly accepted by the court below. He further submitted that the applicant was directed to furnish personal bond of Rs.20,000/- & two sureties and same has already been submitted, therefore, no such relief as prayed can be granted by this Court.

5. Considering the submissions of learned counsel for the parties, going through the contents of the application as well as other relevant documents, no such prayer can be granted to the applicant, accordingly, present application under Section 482 Cr.P.C. is misconceived and is hereby, **dismissed**.

Order Date :- 14.12.2023

Gaurav/-