

Court No. - 29

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 9 of 2023

Petitioner :- Vaibhav Kumar Pandey And Another

Respondent :- Union Of India And 2 Others

Counsel for Petitioner :- Ujjawal Satsangi

Counsel for Respondent :- A.S.G.I.,C.S.C.

Hon'ble Manoj Misra,J.

Hon'ble Vikas Budhwar,J.

Heard.

The prayer in this P.I.L. is as follows: -

"i. Issue an appropriate writ, order or direction to declare that an accused under sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB and 376E of IPC may seek ' Default Bail', upon failure of investigating authorities to file chargesheet within two months of lodging of First Information Report.

ii. To issue any other writ or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.

iii. To award the costs in favour of the petitioner."

Such a prayer need not be addressed in a public interest litigation as the person who seeks a default bail may do so by applying to the court concerned and if such benefit is not accorded he may take recourse to appropriate remedy before higher court.

The P.I.L. is **dismissed** as misconceived.

Order Date :- 9.1.2023

N.S.Rathour