

Court No. - 72

Case :- CRIMINAL APPEAL No. - 6788 of 2023

Appellant :- Shyam Sundar And Another

Respondent :- State of U.P. and Another

Counsel for Appellant :- Neelam Singh Chauhan, Rakesh Kumar Singh Chauhan

Counsel for Respondent :- G.A., Prem Chandra Dwivedi

Hon'ble Krishan Pahal, J.

1. Heard Mr. R.S. Chaudhary, Advocate holding brief of Mr. Rakesh Kumar Singh Chauhan, learned counsel for the appellants, Mr. Prem Chandra Dwivedi, learned counsel for the opposite party no.2 and learned A.G.A. for the State-respondent.

2. This appeal has been filed with a prayer to set aside the impugned charge-sheet dated 26.07.2022, whereby the learned Magistrate taken cognizance vide order dated 30.01.2023 in Session No.360 of 2023 (State vs. Shyam and Others) under sections- 147, 323, 504, 325 I.P.C. and Sections- 3(1)Da, 3(1)Dha and 3(2)(Va) of SC/ST Act, Police Station- Sadar Bazar, District-Agra arising out of Case Crime No.230 of 2022.

3. After arguing for some time, appellants' counsel submits that the present criminal appeal may be disposed of with a direction to file a regular bail application which may be decided keeping in view the guidelines as laid down by the Apex Court in the case of **Satender Kumar Antil vs. Central Bureau of Investigation and another** reported in **2022 SCC OnLine SC 825**.

4. Learned A.G.A. as well as learned counsel for the opposite party no.2 have no objection to the prayer of learned counsel for the appellants.

5. After hearing learned counsel for the parties, no case is made out for interference. The present criminal appeal is **disposed of** with a direction that the appellants shall surrender before the concerned court within one month from today and in case a regular bail application is filed, the same be decided in view of the law laid down by the Supreme Court in case of **Satender Kumar Antil (supra)**.

6. For the period of one month from today or till the time of surrender of the appellants before the concerned court, whichever is earlier, no coercive action shall be taken against the appellants- **Shyam Sundar and Raja Daksh** in the above case.

Order Date :- 19.10.2023

Saif