

Court No. - 88

Case :- APPLICATION U/S 482 No. - 33585 of 2023

Applicant :- Bablu

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

Counsel for Applicant :- Zulfikar Ali,Rizwan Ahmad(Qureshi)

Counsel for Opposite Party :- G.A.,Rama Shankar Mishra

Hon'ble Sanjay Kumar Singh,J.

1-Heard learned counsel for the applicant, learned Additional Government Advocate for the State of U.P./opposite party no.1, learned counsel for the opposite party no.2 and perused the record.

2-This application under Section 482 Cr.P.C. has been filed by the applicant to quash the charge-sheet No. 23 of 2023 dated 19.03.2023, cognizance order dated 19.05.2023 and proceedings of Case No. 722 of 2023 arising out of Case Crime No. 0012 of 2023, under Sections 354, 452 I.P.C. and Section 7/8 Protection of Children from Sexual Offences Act, 2012, Police Station-Sonakpur, District-Moradabad, pending in the court of Special Judge, POCSO Act, Court No.1, District-Moradabad.

3-It is submitted by learned counsel for the applicant that with regard to an incident dated 17.02.2023 mother of applicant had lodged N.C.R. No. 0005 of 2023 against opposite party no.4 under Sections 323, 504 I.P.C. at Police Station-Sonakpur, District-Moradabad, therefore, opposite party no.4 lodged F.I.R. of this case on 27.02.2023 on the false and concocted allegations. On putting query by the court with regard to present status of aforesaid N.C.R., learned counsel for the applicant submits that he is not aware about the same.

4-Learned counsel for the applicant after advancing his arguments at some length and putting certain query by the Court, gave up his challenge to the aforesaid impugned charge-sheet, cognizance order and impugned criminal proceedings against the applicant and confined his submission requesting to

grant some protection to the applicant to surrender before the concerned court below. The learned counsel for the applicant further stated at the Bar that he is not pressing any other prayer made in this application on merits and prayed that a direction may be issued to the concerned court below to consider and decide the bail application of the applicant expeditiously.

5-Learned A.G.A. for the State of U.P. as well as learned counsel for opposite party no.2 submit that in case the applicant is not pressing the relief as sought for by him on merits and wants to surrender before the concerned court below, they have no objection if the Court grants protection to him for a short period.

6-In view of the above, the relief as sought by the applicant in the instant application is refused.

7-However considering the aforesaid alternative prayer made by learned counsel for the applicant, it is directed that the applicant shall surrender before the concerned court below within two weeks from today and in case applies for bail, the bail application of the applicant shall be disposed of expeditiously by the courts below in accordance with law and 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 **2021 SCC Online SC 922**.

8-For the period of two weeks from today or till the time of surrender of the applicant before the concerned court below, whichever is earlier, he shall not be arrested in the above case.

9-With the above observations and directions, this application under Section 482 Cr.P.C. is disposed of.

Order Date :- 1.11.2023

Kashifa