

**Court No. - 86**

**Case :-** APPLICATION U/S 482 No. - 34494 of 2023

**Applicant :-** Dharmendra Mishra And Another

**Opposite Party :-** State of U.P. and Another

**Counsel for Applicant :-** Sameer Ranjan, Awadhesh Kumar Malviya

**Counsel for Opposite Party :-** G.A.

**Hon'ble Rajiv Gupta, J.**

1. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the record.

2. This application under Section 482 Cr.P.C. has been filed with the prayer to quash the charge-sheet dated 02.02.2022 and non-bailable warrant dated 03.08.2023 as well as entire proceedings of Criminal Case No. 306 of 2022 (State Vs. Shivam Mishra), arising out of Case Crime No. 0520 of 2021, under Sections 323, 504, 506, 354, 341 IPC, Section 3(2)(Va), 3(1)(Da), 3(1)(Dha) of SC/ST Act and Section 7/8 of POCSO Act, Police Station Badagaon, District Varanasi, pending in the court of Special Judge (POCSO Act), Varanasi.

3. After some arguments, learned counsel for the applicants has made a statement at the Bar, on instructions, that he does not want to press other prayers made in the instant application and states that the applicants are ready to appear before the court below and seek their bail and that their release be considered in view of law laid down by Hon'ble Apex Court in the case of ***Satender Kumar Antil Vs. Central Bureau of Investigation and another reported in (2022) 10 SCC 51.***

4. Per contra, learned AGA states that he has no objection to the aforesaid prayer made by learned counsel for the applicants for not pressing the other prayers made in the instant application.

5. In view of the above, in case the applicants appear before the court below within three weeks from today and seek bail, their release be considered in view of law laid down by Hon'ble Apex Court in the case of ***Satender Kumar Antil Vs. Central Bureau of Investigation and another reported in (2022) 10 SCC 51.***

6. With the aforesaid observations, this application under Section 482 Cr.P.C. is finally **disposed of**.

**Order Date :-** 30.10.2023/Nadim