

Court No. - 89

Case :- APPLICATION U/S 482 No. - 37123 of 2023

Applicant :- Raju

Opposite Party :- State Of U.P. . And Another

Counsel for Applicant :- Santosh Kumar Tiwari

Counsel for Opposite Party :- G.A., Bhaju Ram Pprasad Sharma

Hon'ble Deepak Verma,J.

1. Heard Sri Santosh Kumar Tiwari, learned counsel for the applicant, Sri B.R.P. Sharma, learned counsel for the opposite party no.2 and learned A.G.A. for the State.

2. This application under Section 482 Cr.P.C. has been filed by the applicant to quash the summoning order dated 30.10.2017 passed by Additional Sessions Judge, Court No.1, Maharajganj as well as entire proceedings of Special Session Case No.521 of 2017 (Old Complaint Case No.123 of 2017) (State vs. Raju and Others), under Sections- 147, 323, 504, 506, 354A of I.P.C. and Sections- 7/8 of POCSO Act, P.S.- Kolhui, District- Maharajganj, pending in the court of Special Judge, Ananya Vishesh Nyayalay (POCSO Act), Maharajganj.

3. On the matter being taken up, learned counsel for the applicant has not pressed the relief as sought by means of this application on merit and prayed for issuance of appropriate direction to the concerned Courts below to decide the bail application of the applicant expeditiously.

4. Learned A.G.A. as well as learned counsel for the opposite party no.2 have no objection in allowing the aforesaid prayer of the applicant.

5. Accordingly the relief as sought by the applicant through this application is refused.

6. Considering the aforesaid alternative prayer of the applicant, it is directed that applicant shall surrender before the concerned Court below within **three weeks** from today and in case applies for bail, the bail application shall be decided expeditiously by the courts below in accordance with law 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.

7. For the period of **three weeks** from today or till the time of surrender of the applicant before the Court below, whichever is earlier, no coercive action shall be taken against him.

8. With the aforesaid directions, this application under Section 482 Cr.P.C. stands **disposed of**.

Order Date :- 20.11.2023

Saif