

Court No. - 4

Case :- APPLICATION U/S 482 No. - 38170 of 2023

Applicant :- Ram Awtar And Another

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

Counsel for Applicant :- Ashok Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Prakash Padia,J.

1. Heard learned counsel for the applicants and learned A.G.A for the State-respondents.

2. The applicants have preferred the present Application under Section 482 of Code of Criminal Procedure, 1973 for quashing the entire proceedings of impugned summoning order dated 07.09.2022 passed by the Additional Civil Judge (J.D.), Khurja, Bulandshahr and charge sheet no. 437 of 2021 dated 31.10.2021 in Case No. 689 of 2022 (State vs. Harvir and others), under Section 147, 148, 149, 188, 323, 325, 336, 353 I.P.C., arising out of Case Crime No. 266 of 2021 under Section 147, 148, 188, 323, 325, 336, 353 I.P.C. Police Station Chhatari, District Bulandshahr. With the further prayer to stay the proceedings of the aforesaid case.

3. After some arguments, learned counsel for the applicants has not pressed the relief as sought by means of this application on merits, prayed for issuance of directions to the court below to decide the bail application of the applicants and prayed that applicants be permitted to file bail application before the court below.

4. This prayer has not been opposed by the learned A.G.A.

5. Heard learned counsel for the parties present and perused the record.

6. Considering the aforesaid alternative prayer of the applicants, it is directed that applicants shall surrender before the concerned Court below within a period of **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 applicants before the Court below, whichever is earlier, no coercive action shall be taken against them.

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

Order Date :- 13.10.2023

Swati