

Court No. - 85

Case :- CRIMINAL APPEAL No. - 10658 of 2023

Appellant :- Ajay Yadav @ Chhotoo And Another

Respondent :- State of U.P. and Another

Counsel for Appellant :- Durga Singh

Counsel for Respondent :- G.A.,Gaurav Srivastav,Rajesh Kumar Srivastava

Hon'ble Mayank Kumar Jain,J.

Heard learned counsel for the appellants, learned A.G.A. for the State and perused the material on record.

The present appeal under Section 14A of S.C./S.T. Act, Cr.P.C. has been filed by the appellants to set aside the entire criminal proceedings including the Charge Sheet No. 37 of 2022 dated 21.11.2022 and summoning order dated 08.12.2022 of S.C.No. 2165 of 2022 (State Vs. Ajay Yadav and others) arising out of Case Crime No. 50 of 2022, under Sections 452, 323, 504, 506 IPC and under Section 3(1)Da, Dha and 3(2)Va of S.C/S.T Act, Police Station Pindhaura, District Agra, pending in the court of Special Judge (S.C/S.T Act), Agra.

After arguing at some length, learned counsel for the appellant gave up his challenge to the aforesaid prayer and confined his submission requesting to grant some protection to the appellant to surrender before the concerned court below. The learned counsel for the appellant further stated at the Bar that he is not pressing any other prayer made in this appeal on merits and prayed that a direction may be issued to the concerned courts below to consider and decide the bail application/surrender application of the appellants expeditiously.

Learned A.G.A. for the State of U.P. submits that in case the appellant is not pressing the relief as sought for by them on merits and want to surrender before the concerned court below, he has no objection in granting protection to them for a short period.

Keeping in view, the fact of the matter it is directed that in case the appellants appears and surrenders before the court concerned within 30 days from today and applies for bail, the same shall be decided expeditiously 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) 10 SCC 773.

For the period of 30 days from today or till the appellants surrender and move such an application for bail, whichever is earlier, no coercive action shall be taken against the appellants in the aforesaid case.

In case the appellant(s) does not comply with the aforesaid directions, the court below shall be free to take such measures for appearance of the appellant(s) as required under the law.

With the above observations and directions, this criminal appeal is disposed of.

Order Date :- 3.11.2023

PS