

Court No. - 28

Case :- APPLICATION U/S 482 No. - 3738 of 2021

Applicant :- Shailesh Kumar Nigam

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

Counsel for Applicant :- Pradeep Kumar Shukla, Shesh Mani Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh, J.

Heard learned counsel for the applicant, Shri Anirudh Kumar Singh, learned AGA-I for the State and perused the record.

Instant application under Section 482 Cr.P.C has been filed to stay the cognizance order dated 16-01-2021 passed by the ACJM-II, Court No. 26, Lucknow in CrI. Case No. 2702/2021, in Case Crime No. 26/2020, U/s 420,406,504,506 of I.P.C., Police Station-Nagram District-Lucknow and to quash the chargesheet of CrI. Case No. 2702/2021, in Case Crime No. 26/2020, U/s 420,406,504,506 of I.P.C., Police Station-Nagram District-Lucknow.

Learned counsel appearing for the applicant submits that the applicant is innocent and was never involved in committing the offence as has been mentioned in the first information report. He added that due to enmity, his name has been planted in the first information report and thereafter he has been chargesheeted. He next added that due to unavoidable circumstances, he could not appear before the court below.

At this stage, learned counsel for the applicant submits that he does not want to press the application and seeks liberty to file bail application before the learned trial court which may be decided in view of law laid by Hon'ble Supreme Court's judgment in the case of **Satender Kumar Antil versus Central Bureau of Investigation and another (2022)10 SCC 51.**

Learned A.G.A. has no objection to the prayer made by learned counsel for the applicant.

On due consideration to the submissions of learned counsel for the parties', it is provided that in case, the applicant appears before the trial court within two weeks from today and files bail application, the same shall be decided expeditiously in view of law laid down in the case of **Satender Kumar Antil (supra)**.

The application is **disposed of** accordingly.

Order Date :- 18.10.2023
AKS