

Court No. - 15

Case :- CRIMINAL APPEAL No. - 1642 of 2022

Appellant :- Amit Kumar @ Monu

Respondent :- State Of U.P. Thru. Prin. Secy. Of Govt. Deptt. Of Home, Lko. And Another

Counsel for Appellant :- Nitin Rastogi, Anuj Verma, Ram Kishor

Counsel for Respondent :- G.A., Kanchan, Rakesh Kumar Maurya, Vikas Maurya

Hon'ble Shamim Ahmed, J.

Counter affidavit filed today in the Court by learned A.G.A. for the State, is taken on record.

Heard Shri Ram Kishor, learned counsel for the appellant, Shri Rakesh Kumar Maurya, learned Counsel for the opposite party No.2 and Shri Ajay Kumar Agnihotri, learned A.G.A. for the State.

This criminal appeal under Section 14(A)(1) of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989 has been filed by the appellant against the impugned charge-sheet No.13/2021, dated 12.01.2021 and summoning order dated 15.12.2021 as well as order dated 10.05.2022 passed in Case Crime No.483/2020, under Section 323, 504, 506 and 452 I.P.C. and Section 3(1)(Da) and 3(1) (Dha) of SC/ST Act, Session Trial No.472/2021, which is pending before IInd Additional Session Judge/Special Judge, SC/ST Act, District-Lakhimpur Kheri.

After some argument, learned counsel for the appellant confined his prayer to the extent that a positive direction may be given to learned court below that if a bail application is moved before it by the appellant, the same may be considered and decided expeditiously in accordance with law in light of judgment of the Hon'ble Supreme Court in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation and others : (2021) 10 SCC 773** as the punishment in the above case is less than seven years.

Learned A.G.A. as well learned Counsel for the opposite party No.2 have no objection to the prayer made by learned Counsel for the appellant and submit that a positive direction may be issued to the learned court below to consider and decide the bail

application, if moved before it by the appellant, expeditiously in accordance with law after hearing the public prosecutor.

In view of the submissions made by learned Counsel for the parties, if the appellant appear and surrender before the court below and apply for bail within four weeks' from today, the prayer for bail shall be considered and decided expeditiously by the court below in accordance with law after hearing the Public Prosecutor in light of judgment of Hon'ble Supreme Court in the case of **Satender Kumar Antil (Supra)**.

With the aforesaid observations, this appeal is finally **disposed of**.

The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad or certified copy issued from the Registry of the High Court, Allahabad.

The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

Order Date :- 29.11.2023
Piyush/-