

Court No. - 28

Case :- APPLICATION U/S 482 No. - 9781 of 2023

Applicant :- Vishal Kaushal

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Civil Sectt. Lko And 2 Others

Counsel for Applicant :- Aditya Tiwari, Giriraj Prajapati, Sarvesh Upadhyay

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh, J.

Heard learned counsel for the applicant and learned A.G.A. for the State as well as perused the record.

Instant application under Section 482 Cr.P.C has been filed with prayer to quash the entire criminal proceedings of Criminal Case No. 218 of 2023 (State vs. Saroj and Another), arising out of Charge sheet dated 09.11.2022 in Case Crime No. 203 of 2022, U/s- 406, 420, 506 I.P.C., Police Station- Sammanpur, District- Ambedkar Nagar, including the impugned charge sheet dated 09.11.2022 (ANNEXURE \ NO. 1) and Summoning Order dated 05.01.2023 as well as Non Bailable Warrant dated 31.07.2023 (ANNEXURE NO.2) passed by the learned Additional Civil Judge Junior Division)- 1st/Judicial Magistrate-1st, District- Ambedkar Nagar, in respect to the present petitioner.

Learned counsel for the applicant submits that the applicant is innocent and he has falsely been implicated in the present case with false and frivolous allegations. He further added that the applicant is not involved in committing the alleged offence as has been mentioned in the first information report.

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 off** accordingly.

Order Date :- 10.10.2023

Anurag