

Court No. - 21

Case :- CRIMINAL APPEAL No. - 2919 of 2023

Appellant :- Dinesh Mishra

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

Counsel for Appellant :- Kamlesh Kumar Gupta, Meenakshi Singh, Praveen Kumar Srivastav

Counsel for Respondent :- G.A.

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for the appellant as well as learned A.G.A. and perused the record.

2. Present Criminal Appeal has been filed seeking quashing of entire proceeding of Special Trial No. 208 of 2023(State Vs. Dinesh Mishra), in pursuance of charge sheet No. 1 of 2022, arising out of Case Crime No. 214 of 2022, under Section 323, 504, 325 I.P.C. and 3(1)(Da), 3(1)(Dha), 3(2)(Va) of Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act, 1989, Police Station- Maholi, District-Sitapur as well as impugned summoning order dated 25.07.2023.

3. After arguing the case for quite some time at length and pitted against certain observations made by the Court, learned counsel for the appellant himself has given up to address the Court on merits of the case and prayed, that the purpose of his client would suffice, if a direction may be given to the courts below to decide his bail application within specific time frame.

4. Considering the entire facts and circumstances of the case and the arguments advanced, this Court is of the opinion that since learned counsel for the appellant has already given up that he does not want to press the case on merit, in the fitness of circumstances, this appeal stands disposed of with the direction that the court below shall decide the bail application in light of law laid down by the Apex Court in the case of ***Satendra Kumar Antil vs. Central Bureau of Investigation and another reported in (2021) 10 SCC 773*** after the appellant surrenders within 30 days before the court below. If any bail application is filed, the same shall be adjudicated and decided by the courts below with speaking and reasoned order, strictly in accordance law laid down by the Apex Court in the case of ***Satendra Kumar Antil (supra)***.

5. For the period of 30 days from today or filing of bail application, whichever is earlier, no coercive action shall be taken against the appellant in the aforementioned case.

Order Date :- 16.10.2023

ADY