

Court No. - 28

Case :- APPLICATION U/S 482 No. - 9962 of 2023

Applicant :- Indra Mohan Pal And 4 Others

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko. And Another

Counsel for Applicant :- Arvind Kumar Verma

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

Heard learned counsel for the applicants, Shri Sushil Kumar Pandey, learned AGA for the State and perused the record.

Instant application under Section 482 Cr.P.C has been filed with the prayer to quash the entire proceedings of Criminal Case No. 105379 of 2023; State Vs. Indra Mohan Pal and Others, arising out of Case Crime No. 55 of 2023, under sections 147,323,504,506 of I.P.C., Police Station-Manak Nagar, District-Lucknow, pending in the court of learned Additional Chief Judicial Magistrate-6, Lucknow as well as the impugned chargesheet dated 07-07-2023 submitted by the Investigating Officer against the applicants in the aforesaid case crime number and the impugned cognizance/summoning order dated 08-08-2023 passed by the learned Additional Chief Judicial Magistrate-6, Lucknow.

Learned counsel appearing for the applicants submits that the applicants are innocent and were never involved in committing the offence as has been mentioned in the first information report. He added that due to enmity, their names have been planted in the first information report and thereafter they have been chargesheeted. He next added that due to unavoidable circumstances, they could not appear before the court below.

At this stage, learned counsel for the applicants 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 applicants.

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

Further, the applicants will have an opportunity at the appropriate stage to move an application for discharge taking therein all the pleas factual and legal which may be available to them, in accordance with law. In case, such an application is moved before the learned trial court, the learned trial court shall dispose of the same by a speaking and reasoned order strictly, in accordance with law.

The application is **disposed of** accordingly.

Order Date :- 12.10.2023
AKS