

**Court No. - 28**

**Case :-** APPLICATION U/S 482 No. - 9976 of 2023

**Applicant :-** Dolly Nigam @ Dolly Kumari

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

**Counsel for Applicant :-** Jay Kumar Soni,Rakesh Kumar Singh

**Counsel for Opposite Party :-** G.A.

**Hon'ble Shree Prakash Singh,J.**

Heard learned counsel for the applicant, Shri Nirmal 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 the Criminal Case No. 6391 of 2023 'State Vs. Dolly Kumari and Others' arising out of Case Crime No. 0219 of 2019, under sections 406/506 of I.P.C., Police Station-Gazipur, District-Lucknow and the impugned summoning order dated 01-02-2020 as well as the impugned chargesheet dated 29-12-2019.

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, her name has been planted in the first information report and thereafter she has been chargesheeted. He next added that due to unavoidable circumstances, she 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)**.

Further, the applicant will have an opportunity at the appropriate stage to move an application for discharge within 15 days taking therein all the pleas factual and legal which may be available to her, 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 within further period of 30 days by a speaking and reasoned order strictly, in accordance with law.

Applicant is at liberty to move the discharge application through her counsel.

The application is **disposed of** accordingly.

**Order Date :-** 12.10.2023

AKS