

Court No. - 28

Case :- APPLICATION U/S 482 No. - 9955 of 2023

Applicant :- Bhupendra Pratap Singh @ Shivpal Singh

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

Counsel for Applicant :- Ramakar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

Heard learned counsel for the applicant, Shri Girijesh Kumar Dwivedi, 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 impugned chargesheet dated 22-12-2018 and the order of cognizance and summoning order dated 27-07-2019 passed by the court of learned Chief Judicial Magistrate, Court No. 16, Sultanpur in CrI.Case No. 4411 of 2019, State Vs. Arun Kumar and Others, vide Case Crime No. 305 of 2018, under sections 147,148,323,504,506,354-B,308,325 of I.P.C., Police Station-Lambhua, District-Sultanpur.

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, his name has been planted in the first information report and thereafter he has been chargesheeted. He next added that due to unavoidable circumstances, he 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 three 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 of** accordingly.

Order Date :- 12.10.2023
AKS