Court No. - 28

Case :- APPLICATION U/S 482 No. - 10152 of 2023

Applicant :- Usha Kumari And Another
Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko. And Another
Counsel for Applicant :- Anuj Mishra
Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

Heard learned counsel for the applicants, Shri Anirudh Kumar Singh, learned AGA-I for the State and perused the record.

Instant application under Section 482 Cr.P.C has been filed to quash the entire criminal proceedings of complaint case/protest petition no. 1880 of 2019(Sanjeev Kumar Vs. Sanjay & Others), arising out of Final Report No. 06 of 2018, alongwith Case Crime No. 143 of 2017, under sections 406 & 498 of I.P.C., Police Station-Nasirabad, District-Raebareli, Uttar Pradesh and summoning order dated 27-04-2022, under sections 494 & 120-B and the order dated 24-0-7-2019, passed by the learned Additional Chief Judicial Magistrate, Room No. 12, District-Raebareli.

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 :- 17.10.2023
AKS

Digitally signed by :-
ANUJ KRISHNA SRIVASTAVA
High Court of Judicature at Allahabad,
Lucknow Bench