

**Court No. - 28**

**Case :-** APPLICATION U/S 482 No. - 10322 of 2023

**Applicant :-** Samarjeet Singh And 2 Others

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

**Counsel for Applicant :-** Arshad Ahsan Siddiqui

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

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

Heard learned counsel for the applicants, Shri Girigesh Kumar Dwivedi, learned AGA for the State and perused the record.

Instant application under Section 482 Cr.P.C has been filed to set aside the charge sheet no. 11 of 2019 dated 5.1.2019 (which has been submitted in the court on 16.8.2019) relating to F.I.R. No. 435 of 2018 under Sections 452, 323, 504, 506, 354 I.P.C. Police Station- Maharajganj, District- Raebareli, and also quash the impugned cognizance order dated 16.8.2019 and order dated 17.3.2023 by which the NBW issued against the applicants passed by the learned I Additional Chief Judicial Magistrate, Court No. 11, Raebareli and further quash the entire proceedings of case no. 613 of 2019 (State Vs. Jeet Bahadur Singh and others) arising thereon and pending in the court of I Additional Chief Judicial Magistrate, Court No. 11, 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 :- 19.10.2023**

Anuj Singh