

Court No. - 12

Case :- APPLICATION U/S 482 No. - 10343 of 2023

Applicant :- Arvind Verma @ Arvind Kumar

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

Counsel for Applicant :- Ravindra Nath Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.

2. The present application under Section 482 Cr.P.C. is filed with the prayer to quash the proceeding of Case No.75924 of 2022, arising out of Case Crime No.346 of 2022, under Section 307, 394, 411, 342, 406, 506, 120-B I.P.C., Police Station Chinhat, District Lucknow.

3. Learned counsel for the applicant has submitted that as the applicant was implicated in the present case as well as in Case Crime No.0708 of 2022 under Sections 419, 420, 467, 468, 471 I.P.C., Police Station Vibhuti Khand, District Lucknow. He next submitted that in the present case, applicant was enlarged on bail in pursuance of order dated 14.11.2022 passed by this Court in Criminal Misc. Bail Application No.6836 of 2022 but as he was confined in relation to the F.I.R. No.708/2022, therefore, could not appear before the court below in the present case. He further submitted that and this fact was also not known that he is in jail in another case and thereafter, the impugned order was passed, in such circumstances, kind indulgence of this Court is necessary.

4. Learned A.G.A oppose the prayer of the applicant and but he does not dispute this fact that involvement of the applicant was found in the present case.

5. Considering the submissions of learned counsel for the parties, going through the record as well as

other relevant document, as it is evident from the record that in the present case, applicant was enlarged on bail under the order of this Court in Criminal Misc. Bail Application No.6836 of 2022, but as he was detained in F.I.R. No.708/2022, therefore, he could not appear before the court below, in such circumstances, order dated 13.3.2023 and its consequential orders are set aside and present application under Section 482 Cr.P.C. is **allowed**.

6. Trial court is directed to proceed in accordance with the law.

7. Applicant is also directed to appear before the Court below on the next date.

Order Date :- 19.10.2023

Gaurav/-