Court No. - 28

Case :- APPLICATION U/S 482 No. - 10461 of 2023

Applicant :- Rohit Tiwari @ Ankit Tiwari
Opposite Party :- State Of U.P. Thru. Prin.Secy. Home Lko And Another
Counsel for Applicant :- Akhilesha Nand Pandey,Alok Pandey,Ravi Kant
Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

Heard learned counsel for the applicant, Sri Aniruddh Kumar Singh, learned A.G.A.-I for the State and perused the material placed on record.

The instant application under Section 482 Cr.P.C has been filed for quashing/setting aside the summoning order dated 11.8.2023 and charge sheet no.A87 of 2023 dated 23.5.2023 arising out of the Case Crime No.0100 of 2023 under Sections 332, 504, 506, 354 (Kha), 352 I.P.C. Police Station Bhiti District Ambedkar Nagar in Criminal Case No.20054 of 2023, State Vs. Rohit Tiwari, pending in the court of Civil Judge (J.D.) Twarit-Ist/Judicial Magistrate, Ambedkar Nagar.

Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the present case with false and frivolous allegations. The applicant has not committed alleged offence.

On the other hand, learned AGA has submitted that prima facie, the offence is made out against the applicant. It is further submitted that these are disputed questions of fact, which can be adjudicated only after adducing the evidence. He further controverts the submissions of learned counsel for the applicant on the ground that this is not a stage where minute and meticulous exercise with regard to the appreciation of evidence may be done and truthfulness of the allegations could only be tested in a criminal trial and, therefore, the application is misconceived and liable to be dismissed.

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 in the case of **Satender Kumar Antil Vs. 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 versus Central Bureau of Investigation and another **(supra)**.

The application is **disposed off** accordingly.

Order Date :- 19.10.2023
Ram Murti

Digitally signed by :-
RAM MURTI YADAV
High Court of Judicature at Allahabad,
Lucknow Bench