

Court No. - 28

Case :- APPLICATION U/S 482 No. - 11057 of 2023

Applicant :- Dileep Pandey And 4 Others

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

Counsel for Applicant :- Vyas Narayan Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

Heard learned counsel for the applicants, Shri Girijesh 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/quash the entire proceedings of Crl. Case No. 7830 of 2021(State Vs. Vijay Kumar Pandey and Others), arising out of impugned chargesheet no. 388 of 2021, dated 28-10-2021 filed by the Investigating Officer in Case Crime No. 0393/2021, under sections 147,148,149,323,504,506,308 & 325 of I.P.C., Police Station-Gauriganj, District-Amethi and the cognizance/summoning order dated 02-11-2021 passed by the court of learned Additional Chief Judicial Magistrate,Court No. 1,Sultanpur.

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 :- 8.11.2023

AKS