

Court No. - 29

Case :- CRIMINAL APPEAL No. - 3185 of 2023

Appellant :- Abhishek Kumar Alias Banke Shukla 3 Others

Respondent :- State Of U.P Thru. Prin. Secy. Home Civil
Sectt. Lko. And Another

Counsel for Appellant :- Avnish Kumar Tiwari

Counsel for Respondent :- G.A.

Hon'ble Mrs. Renu Agarwal,J.

Heard learned counsel for appellants, learned A.G.A. for the State and perused the record of the case.

Instant criminal appeal under section 14A (1) of SC/ST Act has been preferred with prayer for setting aside the summoning order dated 06.10.2023 passed by Learned Special Judge SC/ST (P.A.) Act, Hardoi and chargesheet dated 06.09.2023 in S. T. No. 1244/2023, arising out of Case Crime No. 368/2023 under sections 452, 323, 325, 308, 504, 506 I.P.C. and Section 3 (2) (5A) and Section 3 (1) (*Dha*) of Scheduled Caste and Scheduled Tribes (Prevention of atrocities) Act 1989, Police Station- Behta Gokul District- Hardoi, pending in the court of Special Judge, SC./ST. Act Hardoi, and further proceedings of the case.

Learned counsel for the appellants submits that he does not want to press the prayer made in the instant appeal. He confines his prayer only to the extent that a direction be given to the court concerned to decide the bail application of the appellants in the light of the law laid down by the Apex Court in the cases of **Satender Kumar Antil Vs. Central Bureau of Investigation**, reported in **2021 (10) SCC 773** and **Satender Kumar Antil Vs. Central Bureau of Investigation and others MANU/SC/0851/2022**.

Learned A.G.A. is having no objection, if such a direction is given to the court concerned to decide the bail application of the appellants in the light of the judgments of the Apex Court in the cases of *Satender Kumar Antil (supras)*.

Accordingly, it is directed that if appellants appear before the trial court within two weeks from today and apply for bail, then the bail application shall be decided by the court below on the basis of law laid down by the Apex Court in the cases of *Satender Kumar Antil (supras)*.

With these direction/observations, the present appeal is, accordingly, **disposed of**.

(Renu Agarwal,J.)

Order Date :- 9.11.2023

Manoj K.