

Court No. - 13

Case :- MATTERS UNDER ARTICLE 227 No. - 5845 of 2023

Petitioner :- Makhan And 6 Others

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

Counsel for Petitioner :- Chandra Bhanu Singh, Shiv Shanker Lal Awasthi

Counsel for Respondent :- G.A.

Hon'ble Karunesh Singh Pawar, J.

Heard learned counsel for the petitioners, learned A.G.A. for the State and learned counsel for respondent no.2.

The present petition has been filed for setting aside the impugned order dated 06.06.2023 passed by the Sessions Judge, Sitapur in the case of CIS No. 15 of 2023 "Ram Sagar and others Vs. State and another" as well as order dated 31.10.2022 passed by the learned Judicial Magistrate-1, Sitapur passed in Case No. 35/99 of 2021 "Pawan Vs. Ram Sagar and others" contained in Annexure No. 1 and 2 respectively.

Learned counsel for the petitioners, after arguing the matter at some length, has submitted that he may be permitted to file discharge application. He has also prayed that he may be permitted to surrender and apply for bail before the court below and the same may be decided in view of law laid down in ***Satender Kumar Antil Vs. Central Bureau of Investigation & Anr***, Petition(s) for Special Leave to Appeal (Crl.) No(s).5191/2021 as his case is covered under category 'A'.

Learned A.G.A. has no objection to this innocuous prayer of learned counsel for the petitioners.

Accordingly, without entering into merits of the case, the present petition is disposed of permitting the petitioners to surrender before the trial court within fifteen working days' from today and file bail application, which may be decided expeditiously by the learned trial court in view of law laid down by the Apex Court in ***Satender Kumar Antil (supra)***. After release on bail, the petitioners are at liberty to file a discharge application through counsel. If the said discharge application is filed, the same shall also be decided within a period of two months on merits from the date of filing of the same.

Order Date :- 9.11.2023

R.C.