

Court No. - 11

Case :- APPLICATION U/S 482 No. - 11612 of 2023

Applicant :- Akash Yadav And 6 Others

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

Counsel for Applicant :- Vivek Kumar Singh, Nishant Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

Heard learned counsel for the applicants and learned AGA for the State as well as perused the record.

The present application under Section 482 CrPC has been filed with following prayer:-

"WHEREFORE it is most respectfully prayed that this Hon'ble Court may kindly be pleased to quash the impugned Charge-Sheet No. 1 dated 30.05.2023 filed Under Section 323, 504, 506, 452, 427 I.P.C. in Case Crime No. 37 of 2023 at Police Station Haliyapur, District-Sultanpur before the Learned Judicial Magistrate, Court No. 28, Sultanpur, in a most malicious manner which is illegal unjust, improper and bad in the eyes of law.

It is further prayed that this Hon'ble Court may further kindly be pleased to stay the operation and implementation of the impugned Charge-Sheet No. 1 dated 30.05.2023 filed Under Section 323, 504, 506, 452, 427 I.P.C. in Case Crime No. 37 of 2023 at Police Station Haliyapur, District- Sultanpur before the Learned Judicial Magistrate, Court No. 28, Sultanpur and the subsequent proceedings arisen thereto till the pendency of this petition before this Hon'ble Court in the ends of justice."

After arguing at some length, learned counsel for the applicants has submitted that liberty may be given to the applicants for moving a discharge application before the court below and the same may be decided expeditiously.

It is further prayed that liberty may also be given to the

applicants to file bail application before the trial court which may be decided in view of law laid down by Hon'ble Supreme Court in order dated 7.10.2021 passed in Petition for **Special Leave to Appeal (Cri) No.5191 of 2021 Satender Kumar Antil versus Central Bureau of Investigation and another.**

Learned AGA has no objection to the prayer made by learned counsel for the applicants.

As prayed, liberty is granted to the applicants to move discharge application before the court below and the same shall be decided expeditiously in accordance with law.

As far as prayer made by learned counsel for the applicants to grant liberty to the applicant to file bail application and the same may be decided in view of law laid down in the case of **Satender Kumar Antil versus Central Bureau of Investigation and another (supra)**, liberty is given to the applicants to move bail application before the trial court and the same shall be decided in view of law laid down in the case of **Satender Kumar Antil versus Central Bureau of Investigation and another (supra).**

With the aforesaid observations, the present petition is **disposed** of.

Order Date :- 29.11.2023

Raj