

Court No. - 15

Case :- APPLICATION U/S 482 No. - 12167 of 2023

Applicant :- Afroz Ahmad Khan

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

Counsel for Applicant :- Anil Kumar Sharma, Kaushal Kishore
Singh, Kushboo Singh

Counsel for Opposite Party :- G.A.

Hon'ble Shamim Ahmed, J.

Heard learned counsel for the applicant as well as learned A.G.A. for the State and perused the record.

The instant Application under Section 482 Cr.P.C. has been filed on behalf of the applicant, namely, Afroz Ahmad Khan with a prayer to quash/set aside the impugned charge sheet dated 05.02.2023 filed in Case Crime No.0639/2022, under Section 147, 323, 504, 506 and 149 I.P.C., Police Station-Thakurganj, Lucknow, pending in the court of learned Special A.C.J.M. CBI (AP), Lucknow, registered as Case No.113347/2023 (State vs. Dr. Mahfooz and Others) and for quashing of entire proceedings of Case Crime No.0639/2022, under Section 147, 323, 504, 506 and 149 I.P.C., Police Station-Thakurganj, District-Lucknow and consequential summoning order dated 16.10.2023 passed by learned Special A.C.J.M. CBI (AP), Lucknow.

After some argument, learned counsel for the applicant confined his prayer to the extent that a positive direction may be given to learned court below that if a bail application is moved before it by the applicant, the same may be considered and decided expeditiously in accordance with law in light of judgment of the Hon'ble Supreme Court in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation and others : (2022) 10 SCC 51** as the punishment in the above case is less than seven years.

Learned A.G.A. as well has no objection to the prayer made by learned counsel for the applicant and submits that a positive direction may be issued to the learned court below to consider and decide the bail application, if moved before it by the applicant, expeditiously in accordance with law after hearing the public prosecutor.

In view of the submissions made by learned counsel for the parties, if the applicant appears and surrenders before the court below and applies for bail within four weeks' from today, the prayer for bail shall be considered and decided expeditiously by the court below in accordance with law after hearing the Public Prosecutor in light of judgment of Hon'ble Supreme Court in the case of **Satender Kumar Antil (Supra)**.

With the aforesaid observations, this application is finally **disposed of**.

The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad or certified copy issued from the Registry of the High Court, Allahabad.

The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

Order Date :- 14.12.2023

Piyush/-