

Court No. - 11

Case :- APPLICATION U/S 482 No. - 12332 of 2023

Applicant :- Nankau Alias Mohd. Rafi

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

Counsel for Applicant :- Ramakar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Heard learned counsel for the applicant, learned A.G.A. for the State of U.P. and perused the record.

The present petition under Section 482 Cr.P.C has been filed by the applicant for the following main relief:-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to quash the impugned charge sheet dated 12.12.2020 and the order of cognizance and summoning order dated 01.08.2023 passed by/pending in the court of Learned Additional Chief Judicial Magistrate, Court No.20, Sultanpur in "State Vs. Nankau @ Mohd. Rafi" vide Case Crime No.142/2020, Under Section 323, 504, 506, 308 IPC, Police Station Baldirai, District Sultanpur and further proceedings of the case passed in pursuance thereof."

After arguing at some length, learned counsel for the applicant has submitted that the present application be disposed of finally with liberty 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 applicant.

Accordingly, the present application is disposed of finally with liberty to the applicant to move bail application before the trial court and, if such an application is preferred, 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).***

Order Date :- 18.12.2023

Jyoti/-