

Court No. - 11

Case :- APPLICATION U/S 482 No. - 12397 of 2023

Applicant :- Jokhu And 4 Others

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

Counsel for Applicant :- Sukh Deo Singh, Paritosh Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

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

The present petition has been filed 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 09/10/2020, filed before Learned Judicial Magistrate, Ambedkar Nagar Summoning order dated 20/07/2021 in Criminal Case No. 4086/2021, "State Vs. Shiv Pujan And Another." FIR No. 96/2020, U/Ss. 147, 148, 323, 325, 452, 504, 506 IPC, Police Station- Maharua, District- Ambedkarnagar. Nagar, as next date was fixed as .../.../2023 for appearance, and as contained in Annexure-1 and 2 to this Petition.

To stay the further proceeding in before Learned Chief Judicial Magistrate, Ambedkar Nagar, Criminal Case No. 4086/2021, "State Vs. Shiv Pujan And Another." against the Petitioners, during the pendency of this Petition before this Hon'ble Court in the interest of justice.

*In alternate, this Hon'ble court may be please to issue direction passed by Hon'ble Apex court in **Satender Kumar Antil Vs. CBI & Anr, CRMABA No. 7598 of 2021** to direct the Learned Court below to consider the bail application of the Petitioners."*

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 applicants 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 :- 19.12.2023

Jyoti/-