Court No. - 15

Case :- CRIMINAL APPEAL No. - 3549 of 2023

Appellant :- Manorath
Respondent :- State Of U.P. Thru. Prin. Secy. Home Civil Secrt. Govt. Lko. And Another
Counsel for Appellant :- Hom Narayan Awasthi
Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed,J.

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

The instant appeal has been filed on behalf of the appellant, namely, Manorath with a prayer to quash the impugned summoning order dated 04.08.2023 passed by learned Additional Sessions Judge / Special Judge, S.C./S.T. Act, Shravasti in Sessions Case No.306/2023, Crime No.09/2023, under Sections 354Kha & 506 I.P.C. and Section 3(2)(Va) of S.C./S.T. Act, Police Station Mallhipur, Districyt Shravasti as well as to quash the charge sheet No.A 55/2023 dated 20.02.2023 alongwith the entire criminal proceedings in pursuance thereof.

After some argument, learned counsel for the appellant 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 appellant, 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 appellant 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 appellant, expeditiously in accordance with law after hearing the public prosecutor.

In view of the submissions made by learned counsel for the parties, if the appellant 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 appeal 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 :- 20.12.2023
Saurabh

Digitally signed by :-
SAURABH VERMA
High Court of Judicature at Allahabad,
Lucknow Bench