

Court No. - 11

Case :- APPLICATION U/S 482 No. - 12512 of 2023

Applicant :- Ankit Kumar @ Ankit

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

Counsel for Applicant :- Sant Lal Dixit, Abhishek Awasthi

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

Heard learned counsel for the petitioner/ applicant and learned AGA for the State as well as perused the record.

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

"For the facts, reasons and circumstances as stated in the accompanying affidavit, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to quash the chargesheet no. 279/2022 dated 28.08.2022 (contained as Annexure no. 1) and impugned Cognizance & Summon order dated 25.04.2023 contained as Annexure no. 2) whereby Cognizance has been taken and Summons have been issued against the applicant/accused in in Case No. 653/2023 (State vs Ankit Kumar) in case crime no. 277 of 2022 under Section 323, 504, 506, 332, 353 IPC, Police Station- Haidargarh, District- Barabanki and further stay all other consequential proceedings in the present case pending before Learned Court of Additional Chief Judicial Magistrate, Court No. 17, Barabanki, in the interest of justice."

After arguing at some length, learned counsel for the applicant has submitted that liberty may be given to the applicant 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 applicant 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.

As prayed, liberty is granted to the applicant 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 applicant 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 applicant 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 :- 21.12.2023

Vinay/-