

Court No. - 29

Case :- APPLICATION U/S 482 No. - 2740 of 2024

Applicant :- Shahbaj Khan And Another

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Civil Sectr. Lko.
And 3 Others

Counsel for Applicant :- Satyendra Nath Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

Heard Shri Satyendra Nath Mishra, learned counsel for the applicant, Shri Ajay Veer Singh, learned counsel for the opposite party Nos. 2 and 3 and Shri S.P. Tiwari, learned A.G.A. for the State.

The prosecution case set out in the F.I.R. is that the applicants attacked and abused the opposite parties and their family members. They were armed with lathi and danda and inflicted grievous injuries. The police was promptly informed through the emergency numbers.

Shri Satyendra Nath Mishra, learned counsel for the applicants and Shri Ajay Veer Singh, learned counsel for the opposite party Nos. 2 and 3 contend that the parties have arrived at a compromise.

Considering the grave nature of the offence and grievous injuries, the Court is not inclined to accept the compromise and compound of offence. For by doing so, the administration of criminal justice will move from the Courts into private hands.

Faced with this, Shri Satyendra Nath Mishra, learned counsel for the applicants submits that they do not wish

to press the prayer sought in the application. They recast relief and submit that the applicants wish to apply for bail before the learned trial court.

The only prayer made by the learned counsel for the applicants is that the applicants may be permitted to approach the learned trial court for bail which may be processed expeditiously and as per law.

In wake of the preceding submissions, interest of justice will be served by disposing of the application with the following directions:

(i). The applicants may approach the learned trial court for grant of bail as may be advised.

(ii). The learned trial court is directed to decide the bail application expeditiously as per relevant holdings of various constitutional Courts including the law laid down by the Supreme Court in **Satendra Kumar Antil Vs. Central Bureau of Investigation and another**, rendered in **Special Leave to Appeal (Crl.) No.5191 of 2021**.

It is for the learned trial court to examine the bail application as per law to decide it in terms of the judgement rendered by the Court in case the same is applicable to the facts of this case.

Shri Satyendra Nath Mishra, learned counsel for the applicants contends that the lawyers in District-Sultanpur are abstaining from work on account of a strike call. Many of the persons are suffering in jail and

are unable to file or press their bail applications before the learned trial court.

The factum of the strike has been confirmed in the report of the learned District Judge, Sultanpur produced by the Registry.

In case the applicants engage any counsel and file bail application before the learned trial court, the learned District Judge, Sultanpur as well as District Administration shall ensure appropriate security is provided to the learned counsel so that the bail application can be heard and decided without impediment. The striking lawyers cannot bring the administration of justice to on a halt. In case the striking lawyers impede the administration of justice or interfere in the compliance of this order, the learned trial court shall take out appropriate proceedings against the concerned persons as per law for violation of this order.

Copy of this order shall be sent by the learned A.G.A. to the Superintendent of Police, Sultanpur for ensuring adequate security.

The Application U/S 482 Cr.P.C. is disposed of.

Order Date :- 20.3.2024

Ashish Tripathi