

Court No. - 29

Case :- APPLICATION U/S 482 No. - 2741 of 2024

Applicant :- Liyakat Ali

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

Counsel for Applicant :- Manish Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

Heard Sri Manish Srivastava, learned counsel for the applicant and learned A.G.A. for the State.

The statement of the complainant before the trial court implicates the applicant. The applicant is nominated as one of the principal offenders by the complainant in her statement under Section 200 CrPC made before the trial court. The said statement prima facie discloses commission of the offence by the applicant.

Learned AGA contends that prima facie offence is disclosed against the applicant.

Faced with this, Sri Manish Srivastava, learned counsel for the applicant submits that they do not wish to press the prayer sought in the application. They recast relief and submit that the applicant wish to apply for bail before the learned trial court.

The only prayer made by the learned counsel for the applicant is that the applicant 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 applicant 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**.

However, this Court would like to observe that the learned trial court shall not be guided by the fact that the FIR was lodged under Section 308 IPC alone. The learned trial court shall consider ingredients of the offence as per the material in the record.

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

Order Date :- 20.3.2024

Pravin