

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11627 of 2024

Applicant :- Rajan Giri @ Tomnand Giri

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

Counsel for Applicant :- Rakesh Kumar Mishra, Anupam Bajpai

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

1. Heard Shri Puneet Srivastava, Advocate and Shri Sandeep Singh, Advocate, holding brief of Shri Rakesh Kumar Mishra, learned counsel for the applicant and learned AGA for the State as well as perused the record.

2. The present application U/s 482 Cr.P.C. read with Section 528 Bharatiya Nagrik Suraksha Sanhita, 2023 (in short "BNSS") has been filed by the applicant for the following main reliefs:-

"to quash the impugned summoning order dated 30.04.2024 passed by Additional chief judicial magistrate /Fast Track Court Shrawasti in criminal case no. 3070/2023 state Vs. Akash Shukla and others arising out crime No. 12/2023 under section 419, 420, 506 I.P.C., and 66-D I.T. Act P.S- Naveen Modern Police District Shrawasti as well as impugned chargesheet no. A-35A/2023 dated 15.08.2023, along with entire criminal proceeding of the aforesaid criminal case pending before the additional Chief Judicial magistrate Shrawasti only in respect of petitioner as contained in Annexure No. 1 and 2 to this petition in the interest of justice."

3. After arguing at some length, learned counsel for the applicant has submitted that liberty may 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 the case of **Satender Kumar Antil versus Central Bureau of Investigation and another, (2022) 10 S.C.R. 351 : (2022) 10 SCC 51** as also to prefer a discharge application before the court below and the same may be decided expeditiously.

4. Learned AGA has no objection to the prayer made by learned counsel for the applicant.

5. Keeping in view the aforesaid, the present application is disposed of with liberty as prayed for and with a direction to the court below that if the applicant applies for bail before the Court concerned, his prayer for bail shall be considered and decided expeditiously in accordance with law.

6. Liberty is also granted to the applicant to move discharge

application before the court below and the same shall be decided expeditiously in accordance with law.

7. Taking note of the facts of the case and also the observations made in the case of **Satendra Kumar Antil (Supra)**, this Court is of the view that it would be appropriate to observe that it is expected from the Police Officer concerned that for a period of 30 days from today or till the applicant applies for bail, whichever is earlier, they would not take any coercive action against the applicant in the aforesaid case.

8. With the aforesaid observations, the present is disposed of.

Order Date :- 18.12.2024

Mohit Singh/-