

Court No. - 12

Case :- APPLICATION U/S 528 BNSS No. - 131 of 2024

Applicant :- Chhota @ Jitendra Kumar And Others

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

Counsel for Applicant :- Noupil Ahmad

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

1. Heard learned counsel for the applicants and learned AGA for the State as well as perused the record.

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

"to quashed entire criminal proceedings of Criminal Case No. 1127 of 2024, State Vs. Chhota @ Jitendra Kumar and others, against Summoning Order dated 24.10.2024, Passed By- Judicial Magistrate, Safipur, District- Unnao as well as against Charge Sheet Dated 17.9.2024, arising out of Case Crime No. 209 of 2024, U/S 110, 115(2), 118(1), 351(2) 352 of B.N.S., Police Station-Fatehpur Chaurasi, District-Unnao, pending before Judicial Magistrate, Safipur, District-Unnao, contained herein as Annexure No. 1 and 2 to this petition."

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

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 applicants apply 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 applicants 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 applicants apply for bail, whichever is earlier, they would not take any coercive action against the applicants in the aforesaid case.

Order Date :- 19.12.2024

Mohit Singh/-