Court No. - 12

Case :- APPLICATION U/S 482 No. - 10311 of 2024

Applicant :- Nekpal @ Rohit And 4 Others
Opposite Party :- State Of U.P. Thru. Its Addl. Secy. Home Civil Sectt. Lko And Another
Counsel for Applicant :- Ram Krishna Pratap Singh
Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Sri Nishit Upreti, Advocate alongwith Ms. Aarushi Tiwari, Advocate filed the Vakalatnama on behalf of opposite party No.2 which is taken on record.

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

Instant application has been preferred by the applicant(s)/petitioner(s) for the following main relief:-

> *"The applicants above named most respectfully beg to submit that for the facts, reasons and circumstance as stated in the accompanying affidavit filed in support of Application under section-528 B.N.S.S/482Cr.P.C., this Hon'ble Court may kindly be pleased to Set aside the Final Report/Charge-Sheet dated No. 01, dated 20.10.2023, filed in F.I.R. No. 0258, dated 08.09.2023, U/s 147, 148, 149, 323, 452, 354, 308, 427, 504, & 506 of IPC, Police Station - Mall, Lucknow (West Commissionerate), District Lucknow, as well as cognizance order dated 05.08.2024 passed by the Court Of Additional Chief Judicial Magistrate - IV, Room No.28, Lucknow.*
>
> *It is further prayed that the Hon'ble Court may kindly be pleased to stay the operation of Charge-Sheet dated No. 01, dated 20.10.2023, filed in F.I.R. No. 0258, dated 08.09.2023, U/s 147, 148, 149, 323, 452, 354, 308, 427, 504, & 506 of IPC, Police Station Mall, Lucknow (West Commissionerate), District Lucknow, as well as cognizance order dated 05.08.2024 passed by the Court Of Additional Chief Judicial Magistrate IV, Room No.28, Lucknow."*

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.

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

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, their prayer for bail shall be considered and decided expeditiously in accordance with law.

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.

Taking note of the facts of the case and also the observation 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.

With the aforesaid observations, the present application is ***disposed of*.**

Order Date :- 20.11.2024
Vinay/-

Digitally signed by :-
VINAY KUMAR
High Court of Judicature at Allahabad,
Lucknow Bench