Court No. - 12

Case :- APPLICATION U/S 482 No. - 10572 of 2024

Applicant :- Kanti Gautam And Another
Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Home Deptt. Lko. And Another
Counsel for Applicant :- Sanjeev Kumar
Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Heard Ms. Mohita Kanaujiya, Advocate holding brief of Sri Sanjeev Kumar, 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:-

> *"(i) quash the entire criminal proceeding arising out 224 cognizance and summing order dated 12.03.2024 passed by Spl. Judge SC/ST Act, Lucknow in S.T. No. 2034/2023 (State Versus Surendra Prakash Chaurasiya and others) Case/Crime No. 0040/2023 P.S.- Mandiyaon, District- Lucknow, U/s-323/504/506/406/420/427 I.P.C. and 3(1)dha and 3(2) v(a) Sc/St Act whereby the cognizance has been taken by the Court concerned and the accused person has been summoned to face the trial and charge sheet filled in the FIR/ case crime no. 0040/2023 P.S.- Mandiyaon, Lucknow, U/s -323/504/506/406/420/427 I.P.C. and 3(1)dha and 3(2) v(a) Sc/St Act, District- Lucknow, as contained in Annexure nos. 1 and 2 respectively to this petition, so far as the same relate to the petitioners, in the interest of justice.*
>
> *(ii) stay the entire criminal proceeding arising out of the cognizance and summing order dated 12.03.2024 passed by Spl. Judge SC/ST Act, Lucknow in S.T. No. 2034/2023 (State Versus Surendra Prakash Chaurasiya and others) Case/Crime No. 0040/2023 Mandiyaon, District- Lucknow, P.S.- U/s-323/504/506/406/420/427 I.P.C. and 3(1)dha and 3(2) v(a) Sc/St Act whereby the cognizance has been taken by the Court concerned and the accused person has been summoned to face the trial and charge sheet filled in the FIR/ case crime no. 0040/2023 P.S.- Mandiyaon, Lucknow, U/s-323/504/506/406/420/427 I.P.C. and 3(1)dha and 3 (2) v(a) Sc/St Act District- Lucknow, as contained in Annexure nos. 1 and 2 respectively to this petition, so far as the same relate to the petitioners, in the interest of justice."*

After arguing, at some length, learned counsel for the applicants 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.

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 applicant apply for bail before the Court concerned, his 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 applicant in the aforesaid case.

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

Order Date :- 22.11.2024
Vinay/-

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