2026:AHC:208920

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 37028 of 2026

Ilyash And 5 Others

.....Applicant(s)

Versus

State Of U.P Through Secretary(Home) U.P., Lucknow And Another

.....Opposite Party(s)

Counsel for Applicant(s) : Nikhil Kumar Srivastava, Vinit Kumar Srivastava

Counsel for Opposite Party(s) : G.A.

Court No. - 75

HON'BLE SANJAY KUMAR PACHORI, J.

Heard Shri Vinit Kumar Srivastava, learned counsel for the applicants, Shri Tej Bhan Singh, learned A.G.A. for the State and perused the material on record.

The present application under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed by the applicant to quash the entire proceedings of Criminal Case No. 1408 of 2026 (State Vs. Ilyash and others), arising out of Case Crime No. 0360 of 2026, under Sections 191(2), 352, 115(2), 351(3) of BNS, Police Station- Faridpur, District- Bareilly as well as cognizance/summoning order dated 01.08.2026, pending in the Court of Judicial Magistrate, Faridpur, Bareilly.

Learned counsel for the applicants submits that applicants were not arrested during the course of investigation and the charge-sheet have been submitted against them. It is further submitted that the offence is punishable up to 7 years imprisonment.

Upon considering the facts and circumstances of the case, the prayer made by learned counsel for the applicants is, hereby, refused.

After some arguments, learned counsel for the applicants wants to withdraw the application with liberty to file a regular bail application before the court of competent jurisdiction.

In case bail application is filed by the learned counsel for the applicants, the same shall be decided in the light of the observations made in the judgment rendered by the Supreme Court in **Satender Kumar Antil Vs. Central Bureau of Investigation & Another, (2022) 10 SCC 51**, wherein the Supreme Court considering the category(A) as mentioned in the paragraph no. 2, bail applications of such accused against which charge-sheet has been submitted on appearance may be decided without the accused being taken in physical custody or by granting interim bail till the bail application is decided. It has been observed that at the cost of repetition, we wish to state that, in category A, one would expect a better exercise of discretion on the part of the court in favour of the accused.

The application stands disposed of with the aforesaid liberty.

(Sanjay Kumar Pachori,J.)

October 6, 2026
KJ

Digitally signed by :-
KAMARJAHAN ANSARI
High Court of Judicature at Allahabad