

Court No. - 52

Case :- APPLICATION U/S 482 No. - 2273 of 2018

Applicant :- Ashutosh Shukla

Opposite Party :- State Of U.P.

Counsel for Applicant :- Shri Prakash Dwivedi, Gunjan Dwivedi

Counsel for Opposite Party :- G.A.

Hon'ble Rajul Bhargava,J.

Heard learned counsel for the applicant and learned A.G.A.

This application under Section 482 Cr.P.C. has been filed for quashing the entire proceeding as well as, charge-sheet dated 14.11.2017 in S.T. No. 92 of 2017 (State vs. Ashutosh Shukla and another) arising out of case crime no. 409 of 2017, u/s 354(A) IPC and section 7/8 POCSO Act, P.S. Padari, District Mirzapur.

After advancing argument at length, learned counsel for the applicant would submit that applicant would be satisfied in case a direction is issued to the court below to consider the bail application of the applicant in terms of the decisions rendered in **Amrawati and another Vs. State of U.P., 2004 (57) ALR 290** as well as **Lal Kamlendra Pratap Singh Vs. State of U.P., 2009 (3) ADJ 322 (SC)**.

Learned A.G.A. would submit that the directions issued by this Court and the Hon'ble Supreme Court is binding upon the court below. A Division Bench of this Court in **Brahm Singh & others vs. State of U.P. & others, 2016 (7) ADJ 151**, has already issued direction to all the Sessions Judges of the State of Uttar pradesh, which is being followed. It is, therefore, urged that no fresh direction is required to be given. This fact is not being disputed by the learned counsel for the applicants.

In regard thereto, application is disposed of as withdrawn with liberty to the applicant to file an appropriate application for bail before the court below within four weeks from date in terms of the decisions rendered in Amrawati (supra) as well as Lal Kamlendra Pratap Singh (supra).

In the event, such an application is filed, it is expected that the court below shall decide/dispose of the application in terms of Amrawati (supra), Lal Kamlendra Pratap Singh (supra) and Brahm Singh (supra), strictly in accordance with law.

It is clarified that the Court has not considered the contention of the learned counsel for the applicants on merit.

Order Date :- 31.1.2018

Dhirendra/