

**Court No. - 80**

**Case :-** CRIMINAL APPEAL No. - 7938 of 2022

**Appellant :-** Shanu And 4 Others

**Respondent :-** State of U.P. and Another

**Counsel for Appellant :-** Nand Kishor Mishra, Shilpa Ahuja

**Counsel for Respondent :-** G.A.

**Hon'ble Om Prakash Tripathi, J.**

Heard learned counsel for the appellants and learned AGA for State.

This criminal appeal has been filed for setting aside the order dated 2.8.2022 passed by learned Additional Sessions Judge (Court No.2)/Special Judge (S.C./S.T.) Act) Mahoba in complaint case no.127/2021, Smt. Roshani vs. Shanu and others, under Section 452, 323, 504, 506 IPC and Section 3(da), 3(dha) and 3(2)(5ka) S.C./S.T. Act, Police Station Charkhari, District Mahoba.

Learned counsel for the appellants has submitted that appellants have been falsely implicated to this case as appellants have not committed any offence, prima facie, as alleged in the F.I.R. Entire case of prosecution is mala fide with intention to harass the appellants, accusation of the appellants are with the object of humiliation. It is also submitted that punishment provided in the said Sections is up to 7 years.

After arguing the case for quite some time at length and pitted against certain observations made by the Court, learned counsel for the applicants himself has given up to address the Court on merits of the case and prayed, that the purpose of his client would suffice, if a direction may be given to the courts below to decide his bail application within specific time frame.

Learned AGA submitted that the punishment provided for the said offences is up to 7 years.

The Sections in which charge sheet filed, punishment is up to 7 years, therefore, it is expected from the learned court below to abide by the law propounded by the Apex Court. Law propounded by the Apex Court is the law of the land and everyone is duty bound to follow such law in its letter and spirit.

Considering the entire facts and circumstances of the case and the arguments advanced, this Court is of the opinion that since learned counsel for the applicants has already given up that he

does not want to press the case on merit, in the fitness of circumstances, this appeal stands **disposed of** with the direction that the court below shall decide the bail application of the appellants in light of law laid down by the Apex Court in the case of **Satendra Kumar Antil vs. Central Bureau of Investigation and another reported in (2021) 10 SCC 773** after surrendering the appellants within 30 days before the court below. If any bail application is filed, the same shall be adjudicated and decided by the courts below with speaking and reasoned order, strictly in accordance law laid down by the Apex Court in the case of **Satendra Kumar Antil (supra)**.

For the period of 30 days from today or filing of bail application, whichever is earlier, no coercive action shall be taken against the appellants in the aforementioned case.

**Order Date :- 31.10.2022**

Monika