

Court No. - 28

Case :- APPLICATION U/S 482 No. - 9436 of 2023

Applicant :- Kamla Prasad And Another

Opposite Party :- State Of U.P. Thru. Prin. Secy. (Home) Lko. And Another

Counsel for Applicant :- Vinod Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

Heard learned counsel for the applicants, Ms. Nusrat Jahan, learned AGA for the State and perused the record.

Instant application under Section 482 Cr.P.C has been filed to quash the summoning order dated 14-09-2020 passed by the court of Civil Judge(S.D.), Faizabad in Case No. 411 of 2020(State of U.P. Vs. Kamla Prasad and Others), including the entire proceedings of the case arising out of Case Crime No. 0067 of 2020, under sections 323,452,506 of I.P.C., Police Station-Bikapur, District-Faizabad and the Chargesheet filed against the applicants in Case No. 411 of 2020.

Learned counsel appearing for the applicants submits that the applicants are innocent and were never involved in committing the offence as has been mentioned in the first information report. He added that due to enmity, their names have been planted in the first information report and thereafter they have been chargesheeted. He next added that due to unavoidable circumstances, they could not appear before the court below.

At this stage, learned counsel for the applicants submits that he does not want to press the application and seeks liberty to file bail application before the learned trial court which may be decided in view of law laid by Hon'ble Supreme Court's judgment in the case of **Satender Kumar Antil versus Central Bureau of Investigation and another (2022)10 SCC 51.**

Learned A.G.A. has no objection to the prayer

made by learned counsel for the applicants.

On due consideration to the submissions of learned counsel for the parties', it is provided that in case, the applicants appear before the trial court within two weeks from today and file bail application, the same shall be decided expeditiously in view of law laid down in the case of **Satender Kumar Antil (supra)**.

The application is **disposed of** accordingly.

Order Date :- 27.9.2023

AKS