

Court No. - 13

Case :- APPLICATION U/S 482 No. - 6732 of 2024

Applicant :- Sulfan

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko
And 3 Others

Counsel for Applicant :- Upendra Kumar Singh, Umesh
Chaturvedi

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

Heard learned counsel for the applicant and learned AGA for the State as well as perused the record.

The present application under Section 482 Cr.P.C. read with Section 528 Bharatiya Nagrik Suraksha Sanhita (in short "BNSS") has been filed by the applicant for the following main relief:-

"Wherefore, it is most respectfully prayed that this Hon'ble court may graciously be pleased to quash the summoning order dated 07.11.2023 passed by the Additional Session Judge/Special Judge POCSO Act, Shrawasti by means of which he has taken cognizance and summons to the petitioner upon Charge Sheet No.A-195/2023 dated 13.10.2023 arising out from the Case FIR/Case Crime No.205/2023, Under section 452,354, I.P.C. & section 7/8 POCSO Act, Police Station Hardatnagar Girant, District Shrawasti in Special S.T. No. 424/2023, "State versus Sulfan" in the interest of justice."

After arguing, at some length, learned counsel for the applicant 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 vs. Central Bureau of Investigation and another, Special Leave to Appeal (Cri) No. 5191 of 2021** 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 applicant.

Keeping in view the aforesaid, the present application U/s 482 Cr.P.C. 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 applicant 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 applicant apply for bail, whichever is earlier, he 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 :- 31.7.2024

Vinay/-