

Court No. - 74

Case :- APPLICATION U/S 528 BNSS No. - 22999 of 2025

Applicant :- Gyan Chand And Another

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Raj Kumar Mishr, Shiv Narayan Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Pachori, J.

Supplementary affidavit filed today by learned counsel for the applicants is taken on record.

Sri Sandeep Kumar, Advocate holding brief of Shri Raj Kumar Mishra, learned counsel for the applicants, Shri A.K. Rai, 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 applicants to quash the entire proceedings of Complaint Case No. 6338 of 2016 as well as cognizance/summoning order dated 26.10.2017, under Sections 323, 504, 506 of I.P.C., Police Station- Manda, District- Prayagraj, pending in the Court of Judicial Magistrate, Court No. 4, Allahabad.

Learned counsel for the applicants submits 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.

Order Date :- 31.7.2025

T. Sinha