



2025:AHC:175663

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 28224 of 2025

Deepak @ Deepak Sonkar And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	: Ishu Sonkar, Zia Uddin Ahmad
Counsel for Opposite Party(s)	: G.A., Vinod Kumar Pandey

Court No. - 74

HON'BLE SANJAY KUMAR PACHORI, J.

Heard Sri Zia Uddin Ahmad, learned counsel for the applicants, Sri Vinod Kumar Pandey, Sri Madhvendra Pratap Singh, learned A.G.A. for the State and perused the material on record.

The present application under Section 528 of B.N.S.S. has been filed to quash the entire proceedings of Complaint Case No.611 of 2024 (Nadeem Ahmad Vs. Deepak and others), under Sections 323, 504, 506 and 452 IPC, Police Station Mutthiganj, District Allahabad as well as cognizance/ summoning order 17.05.2025, pending in the Court of Additional Chief Judicial Magistrate, Court No.10, Allahabad.

Learned counsel for the applicants submits that the offence are 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.

(Sanjay Kumar Pachori,J.)

September 26, 2025

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