

Court No. - 88

Case :- APPLICATION U/S 482 No. - 40675 of 2022

Applicant :- Manoj Kumar Singh And Another

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

Counsel for Applicant :- Shaloo Singh, Ravi Pratap Singh

Counsel for Opposite Party :- G.A.

Hon'ble Ajai Tyagi, J.

This application u/s 482 Cr.P.C. has been filed with the prayer to quash the entire proceeding of Case No.104 of 2022 as well as charge sheet dated 12.03.2022 pertaining to Case Crime No.160 of 2021, under Section 308 IPC, Police Station- Padari, District- Mirzapur.

Heard learned counsel for the applicant, learned AGA and perused the record.

At the very outset, learned counsel for the applicant says that he does not want to press the prayer with regard to quashing of entire proceeding of criminal case and charge sheet. Submission of the counsel is that requirement of applicant shall be substantially met with, if he is granted a direction to appear before the court below so that he may obtain his bail and submit to the jurisdiction of the Court.

In the light of the submissions made by the counsel this application so far as it seeks quashing of the entire proceeding of criminal case and charge sheet, the same stands dismissed.

However, it is observed that if the bail has not been obtained yet, the accused may appear before the court below and apply for bail. The court below shall make an endeavour to decide the bail application, keeping in view the observations made by the Hon'ble Apex Court in the case of **Satendra Kumar Antil Vs. Central Bureau of Investigation, 2022 Live Law (SC), 577.**

It is further clarified that this order has been passed only with regard to the accused on behalf of whom application has been moved in this Court.

With the aforesaid observations, this application is finally disposed of.

Order Date :- 20.12.2022

Ashutosh Pandey