

Roshan And 4 Others vs State Of U.P. And Another on 3 March, 2025

Author: Sanjay Kumar Pachori

Bench: Sanjay Kumar Pachori

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:29679

Court No. - 75

Case :- APPLICATION U/S 482 No. - 36777 of 2024

Applicant :- Roshan And 4 Others

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

Counsel for Applicant :- Anil Kumar Mishra

Counsel for Opposite Party :- G.A.,Shivam Tiwari

Hon'ble Sanjay Kumar Pachori,J.

Sri Anil Kumar Mishra, learned counsel for the applicants and learned A.G.A. for the State and perused the material on record.

The present application under Section 482 of the Code of Criminal Procedure, 1973 has been filed to quash the entire proceedings of Case No. 512 of 2023, (Ajay Panwar Vs. Roshan and others) arising out of Case Crime No. 52 of 2023, under Sections 420, 379, 120B, 504, 506 of I.P.C., Police Station- Rampur Maniharan, District- Saharanpur, as well as cognizance/ summoning order 5.6.2024, pending in the Court of Judicial Magistrate, Court No.1, Saharanpur.

Learned counsel for the applicants submits that applicants were not arrested during the course of investigation and the charge-sheet have been submitted against them. It is further submitted 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 judgments 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 except 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 :- 3.3.2025 Akram