

Tejram And Another vs State Of U.P. Thru. Secy. Home Civil ... on 28 March, 2025

Author: Manish Kumar

Bench: Manish Kumar

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:17782

Court No. - 14

Case :- APPLICATION U/S 482 No. - 2720 of 2025

Applicant :- Tejram And Another

Opposite Party :- State Of U.P. Thru. Secy. Home Civil Sectt. Lko And Another

Counsel for Applicant :- Alok Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Manish Kumar,J.

1. Heard Sri Alok Kumar Singh, learned counsel for the applicants, learned A.G.A. for the State and perused the record.

2. The present application u/s 482 Cr.P.C. read with Section 528 of Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023 has been preferred to quash the charge-sheet no. 134/2016 dated 09.10.2016 arising out of Cr.No. 185/2016, under Section 3/7 E.C. Act, P.S. Pasgawan, District Kheri contained herewith as Annexure no. 1 to this petition and other consequential order and further to quash the cognizance order dated 29.07.2024 passed by J.M. Mohammadi Kheri by which the petitioners has been summoned for facing trial contained herewith as Annexure No. 2 to this petition. It is further

prayed that the proceedings of case no. 5397/2024 arising out of charge-sheet no. 134/2016 dated 09.10.2016 of Cr. No. 185/2016, under Section 3/7 E.C. Act, P.S. Pasgawan, District Kheri pending in the court of J.M. Mohammadi Lakhimpur Kheri be stayed.

3. After arguing the matter at some length, learned counsel for the applicants has submitted that liberty may be given to the applicant to file bail application before the trial court which may be directed to be decided in view of law laid down by Hon'ble Apex Court in the case of Satender Kumar Antil vs. Central Bureau of Investigation and another, (2022) 10 S.C.R. 351 : (2022) 10 SCC 51 and Musheer Alam vs. State of Uttar Pradesh and Another, 2025 SCC Online SC 116, and also to prefer a discharge application before the court below and the same may also be directed to be decided expeditiously.

4. Learned A.G.A has no objection to the prayer made by learned counsel for the applicants.

5. Keeping in view the aforesaid, the present application is disposed of with liberty as prayed for and with a direction to the court below that if the applicants apply for bail before the court concerned, prayer for bail shall be considered and decided expeditiously in accordance with law.

6. Liberty is also granted to the applicants to move discharge application before the court below, if charges have not already been framed, and the same shall be decided expeditiously, in accordance with law, if there is no any other legal impediment.

7. Taking note of the facts of the case and also the observations made by the Hon'ble Apex Court in the case of Satendra Kumar Antil (Supra) and Musheer Alam (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 applicants apply for bail, whichever is earlier, they would not take any coercive action against the applicants in the aforesaid case.

Order Date :- 28.3.2025 Nitesh/Ashish