

(2025) 02 AHC CK 1092

In the Allahabad High Court

Case No : Application U/S 482 No. 1307 Of 2025

Hooblal Yadav And 3 Others

APPELLANT

Vs

State of U.P. And Another

RESPONDENT

Date of Decision : 19-02-2025

Acts Referred:

Code of Criminal Procedure Act, 1973 — Section 313
Indian Penal Code, 1860 — Section 147, 148, 149, 201, 302

Citation : (2025) 02 AHC CK 1092

Hon'ble Judges : Vivek Kumar Birla, J; Mohd. Azhar Husain Idrisi, J

Bench : Single Bench

Advocate : Apul Misra, Devendra Pratap, Ashvani Tripathi, Brijesh Sahai, Jai Singh Yadav, Jitendra Singh, Pradeep Kumar Mishra, Raghuvansh Misra

Final Decision : Allowed

Judgement

Sanjay Kumar Pachori, J.

Sri Vikas Mishra, learned counsel for the applicants and Sri Pushpraj, 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 Criminal Case No. 1309 of 2024, (State Vs. Hooblal Yadav and others) arising out of Case Crime No. 279 of 2023, under Sections 147, 323, 504, 506, 452 of I.P.C., Police Station- Saraimamrej, District- Prayagraj, as well as cognizance/ summoning order 29.10.2024, pending in the Court of Additional Chief Judicial Magistrate, VIth, Allahabad.

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 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.