

Court No. - 90

Case :- APPLICATION U/S 482 No. - 18798 of 2011

Applicant :- Mahipal And Others

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

Counsel for Applicant :- Sanjeev Kumar Pandey, Ajay Kumar Vashistha

Counsel for Opposite Party :- Govt. Advocate

Hon'ble Dinesh Pathak, J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. The present applicants have invoked inherent jurisdiction of this Court for the following relief:-

" It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to quash the non-bailable-warrant issued by the Judicial Magistrate Kashiram Nagar and further direct to decide the discharge application of the applicants, in view of the order dated 24.08.2005 passed by this Hon'ble Court."

3. After due deliberation at length, without pressing on the merits of the case, learned counsel for the applicants submits that the present applicants could not appear before the court concerned owing to some personal difficulty, which led issuance of non-bailable-warrant against them, therefore, some protection may be granted to the present applicants so that they may appear before the court below and participate in the court proceedings.

4. Learned A.G.A. has no objection in issuing a direction to consider the bail application moved on behalf of the present applicants.

5. In this conspectus, as above, no useful purpose would be served to keep the instant application pending, therefore, this Court deems it appropriate to finally dispose of the present application, without entering into the merits of the case, with a direction that the present applicants, in case, surrender/appear before the court concerned within a period of two weeks from today and move bail application, same shall be considered and decided by the learned court concerned within a period of two weeks thereafter.

6. For a period of four weeks or till the decision on the bail application, whichever is earlier, no coercive action shall be taken against the applicants in Case Crime No.14 of 2003, under Sections 363 and 366 IPC.

7. Accordingly, instant application is **disposed of**.

Order Date :- 16.11.2023

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