

Court No. - 93

Case :- APPLICATION U/S 482 No. - 31966 of 2023

Applicant :- Amjad

Opposite Party :- State of U.P.

Counsel for Applicant :- Mashaluddin Shah

Counsel for Opposite Party :- G.A.

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri M.D. Shah, learned counsel for the applicant and Sri Uday Bhan, learned AGA for the State.

2. The present 482 Cr.P.C. application has been filed to quash the impugned non-bailable warrant order dated 26.03.2019 passed by learned A.C.J.M. 1st, Agra in Case No.2660 of 2006, State Vs. Asraf and others, arising out of the chargesheet submitted in Case Crime No.403 of 1996, under Sections-380, 457, 411 IPC, Police Station-Shahganj, District- Agra, pending in the court of learned A.C.J.M. 1st Agra.

3. Contention of learned counsel for the applicant is that applicant had obtained bail in the impugned proceeding on 23.06.2008. Thereafter, he had been appearing before the court below but on 26.03.2019, he could not appear before the court below and warrant was issued against him. Subsequently, applicant shifted to Mumbai for livelihood and, thereafter, due to lockdown, he could not pursue his case. Learned counsel for the applicant submits that the applicant wants to surrender before the court below and apply for bail.

4. Considering the above submission, it is provided, if the

applicant appears before the court below, within a period of 15 days and applies for bail, then his bail application shall be considered in view of the law laid down by the Apex Court in ***Satendra Kumar Antil vs. Central Bureau of Investigation and Another, (2021) 10 SCC 773.***

5. For a period of three weeks or till disposal of the bail application, whichever is earlier, no coercive action shall be taken against the applicant.

6. It is further provided that as the trial of this case is pending since 2006, therefore, court below is directed to conclude the trial, expeditiously, preferably within a period of one year. In case, any accused or witness fails to cooperate in the trial then court below is directed to adopt coercive measure against the applicant.

7. With the aforesaid observations, the present application is **disposed of.**

Order Date :- 16.10.2023
S.Chaurasia