

Court No. - 88

Case :- APPLICATION U/S 482 No. - 33667 of 2023

Applicant :- Baleshwar Singh

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Sharad Kumar

Counsel for Opposite Party :- G.A.,Sushil Kumar Pandey

Hon'ble Sanjay Kumar Singh,J.

1-Heard learned counsel for the applicant, learned Additional Government Advocate for the State of U.P./opposite party no.1, learned counsel for the opposite party no.2 and perused the record.

2-This application under Section 482 Cr.P.C. has been filed by the applicant to quash the order of non-bailable warrant and proceedings under Section 82 and 83 Cr.P.C. dated 22.07.2023 issued against the applicant in EST No. 984 of 2018, under Section 135 of Electricity Act arising out of Case Crime No. 387 of 2018, Police Station-Chunar, District-Mirzapur, pending in the court Special Judge E.C. Act, Mirzapur.

3-At the outset learned counsel for the applicant gave up his challenge to the aforesaid order of non-bailable warrant and proceedings of Section 82 and 83 Cr.P.C. against the applicant by contending at the Bar that he is not pressing the prayer made in this application on merits and confined his submission requesting to grant some protection to the applicant to surrender before the concerned Court below.

4-Learned A.G.A. for the State of U.P. as well as learned counsel for opposite party no.2 submit that in case the applicant is not pressing the relief as sought for by him on merits and wants to surrender before the concerned court below, they have no objection if the Court grants protection to him for a short period.

5-In view of the above, the relief as sought by the applicant in the instant application is refused.

6-However considering the aforesaid alternative prayer made by learned counsel for the applicant, it is directed that the applicant shall surrender before the concerned Court below within two weeks from today and in case applies for bail, the bail application of the applicant shall be disposed of expeditiously by the Courts below in accordance with law and keeping in view the guidelines as laid down by the Apex Court in the case of **Satender Kumar Antil vs Central Bureau of Investigation and another**, reported in **2021 SCC Online SC 922**.

7-For the period of two weeks from today or till the time of surrender of the applicant before the concerned Court below, whichever is earlier, order of non-bailable warrant and proceeding under Section 82 and 83 Cr.P.C. dated 22.07.2023 shall be kept in abeyance.

8-With the above observations and directions, this application under Section 482 Cr.P.C. is disposed of.

Order Date :- 30.10.2023

Kashifa