

Court No. - 88

Case :- APPLICATION U/S 482 No. - 32680 of 2023

Applicant :- Suryamani Singh

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Vinay Kumar Shukla, Sanjay Tripathi

Counsel for Opposite Party :- G.A.

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 and perused the record.

2-This application under Section 482 Cr.P.C. has been filed by the applicant to quash the charge sheet dated 06.12.2020, summoning order dated 22.12.2021, non-bailable warrant dated 22.06.2023 issued by learned Special Judge (POCSO Act), Allahabad against the applicant as well as proceedings of Session Trial No. 300 of 2021 (State Vs. Suryamani Singh) arising out of Case Crime No. 196 of 2020, under Sections 452, 354, 506 I.P.C. and Section 7/8 POCSO Act, Police Station-Utraon, District-Allahabad/Prayagraj.

3-At the outset learned counsel for the applicant gave up his challenge to the aforesaid charge sheet, summoning order, order of non-bailable warrant and criminal proceedings 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. submits 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, he has 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, non-bailable warrant dated 22.06.2023 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 :- 28.10.2023

Kashifa