

Court No. - 89

Case :- APPLICATION U/S 482 No. - 33252 of 2023

Applicant :- Meghnath And Another

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

Counsel for Applicant :- Vivek Kumar Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicants, 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 applicants to quash Non-Bailable Warrant order dated 02.08.2023 in Criminal Case No. 3360 of 2021 (State Vs. Meghnath and another) arising out of Case Crime No. 229 of 2020, under Sections 323, 504, 506, 336 I.P.C., Police Station-Nidhauri Kalan, District-Etah, pending before Additional Chief Judicial Magistrate, Jaleshar, District Etah.

3. At the outset learned counsel for the applicants gave up his challenge to the aforesaid Non-bailable warrant against the applicants and confined his submission requesting to grant some protection to the applicants to surrender before the concerned court below. The learned counsel for the applicants further stated at the Bar that he is not pressing any other prayer made in this application on merits and prayed that a direction may be issued to the concerned courts below to consider and decide the bail application of the applicant expeditiously.

4. Learned A.G.A. for the State of U.P. submits that in case the applicants are not pressing the relief as sought for by them on merits and want to surrender before the concerned court below, he has no objection if the Court grants protection to them for a short period.

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

6. However considering the aforesaid alternative prayer made by learned counsel for the applicants, it is directed that the applicants

shall surrender before the concerned court below within three weeks from today and in case they apply for bail, the bail application of the applicants 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 a period of three weeks from today, no coercive measure shall be taken against the applicants in the aforesaid case.

8. For the period of three weeks from today or till the time of surrender of the applicant before the concerned Court below, whichever is earlier, non-bailable warrant dated 02.08.2023 shall be kept in abeyance.

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

Order Date :- 9.11.2023

Sunil Kr. Gupta