

Court No. - 89

Case :- APPLICATION U/S 482 No. - 33572 of 2023

Applicant :- Manish Kumar Pandey And 5 Others

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

Counsel for Applicant :- Bal Mukund Singh, Shri Prakash Mishra

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 applicant to quash the non bailable warrant dated 11.08.2023 issued against the applicants and proceedings of Case No.2302887 of 2018, arising out of Case Crime No.0017 of 2018, under Sections 498A, 506, 406 I.P.C. and Section 3/4 of DP Act (against all the applicant except applicant No.4) and Section 498A, 506, 406, 354 I.P.C. and Section 3/4 of DP Act (against applicant No.4), P.S. Mahila Thana, District Gorakhpur, pending in the court of JM-III, Gorakhpur.

3. At the outset learned counsel for the applicants gave up his challenge to the aforesaid non-bailable warrant and criminal proceedings 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 applicant 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 wants 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 a month 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 the period of one month from today or till the time of surrender of the applicants before the concerned Court below, whichever is earlier, non-bailable warrant dated 11.08.2023 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 :- 13.10.2023

Nitin Verma