

**Court No. - 89**

**Case :-** APPLICATION U/S 482 No. - 37208 of 2023

**Applicant :-** Upendra And Another

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

**Counsel for Applicant :-** Ajay Nand Pandey, Ashok Kumar  
Ojha, Sudhir Tiwari

**Counsel for Opposite Party :-** G.A., Sandeep Kumar Singh

**Hon'ble Deepak Verma, J.**

1. Heard learned counsel for the applicants; Sri Sandeep Kumar Singh, appearing on behalf of opposite party no. 2; 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 the non bailable warrant dated 18.09.2023 issued against the applicants and proceedings of Case Crime No.827 of 2021, under Section 364 read with Section 34, 302 I.P.C. read with Section 34 and 201 I.P.C., P.S. Baraut, District Baghpat, S.T. No.158 of 2022 (State Vs. Anil and Others).

3. Counsel for the applicants has challenged the non bailable warrant dated 18.09.2023 and submitted that applicants were regularly appearing on the date fixed before the trial court but on one date due to some misunderstanding some wrong date was noted by the applicant whereas in the case, some other date was fixed so the applicant could not appear on the date fixed and non bailable warrant has been issued. The charge sheet was submitted under Section 201 I.P.C. against the applicants on 28.01.2021 thereafter charge was framed under Section 302 I.P.C. It has been next submitted that applicants have not been enlarged on bail under Section 302 I.P.C.

4. Learned A.G.A. for the State of U.P. and counsel for the opposite party no. 2 opposed the submission raised by counsel for the applicants and submits that there is no illegality in the order impugned.

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

6. However, if the applicants appear and surrender before the concerned court below within two 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.

7. For the period of two weeks from today or till the time of surrender of the applicants before the concerned Court below, whichever is earlier, non-bailable warrant dated 18.09.2023 shall be kept in abeyance.

**Order Date :- 2.12.2023**

Meenu Singh