Court No. - 89

Case :- APPLICATION U/S 482 No. - 37816 of 2023

Applicant :- Swami Siddhswaroop @ Arun Kumar
Opposite Party :- State of U.P. and Another
Counsel for Applicant :- Sanjay Kumar Dubey
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 summoning order dated 23.01.2012; bailable warrant dated 12.09.2023 issued against the applicants and proceedings of Complaint Case No. 1832 of 2011 (Kailash Vishwakarma Vs. Swami Siddhswaroop) under Sections 323, 427, 504, 506 I.P.C., P.S. Mahoba, District Mahoba, pending in the court of Chief Judicial Magistrate Mahoba/Civil Judge (Junior Division) FTC/Mahila Mahoba.

3. At the outset learned counsel for the applicants gave up his challenge to the aforesaid charge sheet, Non-bailable warrant and criminal proceedings against the applicant and confined his submission requesting to grant some protection to the applicant 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 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 applicants, it is directed that the applicants shall surrender before the concerned court below within four 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 the period of four weeks from today or till the time of surrender of the applicants before the concerned Court below, whichever is earlier, non-bailable warrant dated 12.09.2023 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 :- 12.10.2023
Meenu Singh

Digitally signed by :-
MEENU SINGH
High Court of Judicature at Allahabad