Court No. - 88

Case :- APPLICATION U/S 482 No. - 38756 of 2023

Applicant :- Kalam Husain And 2 Others
Opposite Party :- State of U.P. and Another
Counsel for Applicant :- Sanjeev Patel
Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,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 the summoning order dated 21.09.2023 as well as proceedings of Complaint Case No. 397 of 2023 (Bela Vs. Kalam Husain and others), under Sections 427, 506 I.P.C., Police Station Mauaima, District Allahabad, pending in the court of Additional Civil Judge (J.D.)/ Judicial Magistrate, Court No.15, Prayagraj.

3-At the outset learned counsel for the applicants gave up his challenge to the aforesaid impugned summoning order as well as impugned 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 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 applicants 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 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 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 applicants before the concerned court below, whichever is earlier, they shall not be arrested in the above case.

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

Order Date :- 2.12.2023
Kashifa

Digitally signed by :-
KASHIFA
High Court of Judicature at Allahabad