Court No. - 89
Case :- APPLICATION U/S 482 No. - 38391 of 2023
Applicant :- Deepak @ Deepak Nishad
Opposite Party :- State of U.P. and Another
Counsel for Applicant :- Jitendra Singh Gaur
Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.

2. This application under Section 482 Cr.P.C. has been filed by the applicant to quash the charge sheet dated 24.01.2019, summoning order dated 21.09.2019 passed in Criminal Case No.1852 of 2019, arising out of Case Crime No.792 of 2018, under Section 379 I.P.C. and Section 4/21 of Mines and Minerals Act, 1957, Section 3/5 of Damages of Public Property Act, 1984, Rules 3/57 and 7 of UP Upkhanij (Parihar) Niyamawali, 1963, P.S. Ghoorpur, District Prayagraj, pending before ACJM, Court No.17, Prayagraj.

3. On the matter being taken up, learned counsel for the applicant has not pressed the relief as sought by means of this application on merit and prayed for issuance of appropriate direction to the concerned Courts below to decide the bail application of the applicant expeditiously.

4. Learned A.G.A. has no objection in allowing the aforesaid prayer of the applicant.

5. Accordingly the relief as sought by the applicant through this application is refused.

6. Considering the aforesaid alternative prayer of the applicant, it is directed that applicant shall surrender before the concerned Court below within three weeks from today and in case applies for bail, the bail application shall be decided expeditiously by the courts below in accordance with law 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 three weeks from today or till the time of surrender of the applicant before the Court below, whichever is earlier, no coercive action shall be taken against him.

8. With the aforesaid directions, this application under Section 482 Cr.P.C. stands **disposed of.**

Order Date :- 13.12.2023
Nitin Verma

Digitally signed by :-
NITIN KUMAR VERMA
High Court of Judicature at Allahabad