Court No. - 88

Case :- APPLICATION U/S 482 No. - 38709 of 2023

Applicant :- Ashok And 2 Others
Opposite Party :- State of U.P. and Another
Counsel for Applicant :- Shailendra Kumar Tripathi
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 charge-sheet dated 05.08.2023, cognizance/summoning order dated 26.09.2023 and proceedings of Case No. 5931 of 2023 (State Vs. Ashok and others) arising out of Case Crime No. 238 of 2023, under Sections 323, 504, 506, 325, 308 I.P.C., Police Station Thathiya, District Kannauj, pending in the court of Chief Judicial Magistrate, Kannauj.

3-At the outset learned counsel for the applicants gave up his challenge to the aforesaid impugned charge-sheet, cognizance/summoning order and 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 court 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 :- 17.11.2023
Kashifa

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