Court No. - 89

Case :- APPLICATION U/S 482 No. - 39220 of 2023

Applicant :- Avinash Upadhyay
Opposite Party :- State of U.P. and Another
Counsel for Applicant :- Prashant Kumar Tripathi
Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicant, 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 order dated 21.07.2023 passed by the Judicial Magistrate, Court No. 2, Varanasi, issuing Non-Bailable Warrant and the order dated 18.09.2023 passed by the Additional Civil Judge (Junior Division)/Judicial Magistrate, Court No. 2, Varanasi, whereby proclamation under Section 82 of the Cr.P.C. has been issued, in Case Crime No. 04 of 2023 (State vs. Avinash Upadhyay), under Sections 406, 419, 420, 467, 468, 471, 504, 506 IPC, Police Station- Manduvadeeh, District- Varanasi.

3. At the outset learned counsel for the applicant gave up his challenge to the aforesaid 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 applicant 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 applicant, it is directed that the applicant shall surrender before the concerned court below within three weeks from today and in case he applies for bail, the bail application of the applicant 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 three weeks from today or till the time of surrender of the applicant before the concerned Court below, whichever is earlier, non-bailable warrant dated 21.07.2023 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 :- 21.11.2023
Aditya

Digitally signed by :-
ADITYA KUSHWAHA
High Court of Judicature at Allahabad