

Court No. - 90

Case :- APPLICATION U/S 482 No. - 43865 of 2023

Applicant :- Sangeeta Devi

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Pranesh Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State and perused the record.
2. The present applicant has invoked the inherent power of this Court under Section 482 Cr.P.C. to assail the impugned non-bailable-warrant dated 05.10.2023 as well as entire proceedings of Criminal Case No.124 of 2020 (State Vs. Uday Raj and others), arising out of Case Crime No.0270 of 2019, Police Station Baharia, District Prayagraj, pending in the court of learned Judicial Magistrate-II, Allahabad.
3. After due deliberation at length, without pressing the matter on its merits, learned counsel for the applicant submits that due to pregnancy problem, present applicant could not be appeared before the court below and participate in the trial proceedings, which led issuance of non-bailable-warrant against the present applicant. It is further submitted that the applicant is never intend to ignore the court proceedings, therefore, an opportunity may be granted to her and protection may be accorded so that she may appear before the court below and participate in the court proceedings.
4. Learned A.G.A. has no objection in issuing a direction to consider the bail application to be moved on behalf of the present applicant, in accordance with law.
5. In this conspectus, as above, no useful purpose would be served to keep the instant application pending, therefore, same is hereby decided finally with a direction that the present applicant, in case, surrenders/appears before the court below within a period of two weeks from today and move bail application, same shall be considered and decided by the learned court concerned within a period of two weeks thereafter.

6. For a period of four weeks or till the decision on the bail application, whichever is earlier, the effect and operation of the order passed by the trial court for issuing non-bailable-warrant shall remain stayed.

7. Accordingly, instant application is **disposed of**.

Order Date :- 7.12.2023

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