2026:AHC:210807

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 40899 of 2026

Oomesh Kumar @ Umesh Chandra

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Babali, Pushpendra Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 72

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 528 B.N.S.S. has been filed by the applicant to quash the summoning order dated 03.03.2016 passed by learned Special Judge, (D.A.A.) Etah, non bailable warrant order dated 15.09.2017 passed by learned Additionbal District & Session Judge, Court No.4, Etah issued against the applicant and proceedings of Complaint Case No.231 of 2014 (Smt.Poonam Devi vs. Vinesh Yadav and others), under Sections 395, 397 I.P.C., P.S. Pilua, District Etah, pending in the court of learned Special Judge (D.A.A.), Etah.

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 15.09.2017 shall be kept in abeyance.

8. With the above observations and directions, this application under Section 528 B.N.S.S. is **disposed of.**

October 8, 2026
SKD

(Deepak Verma,J.)

Digitally signed by :-
SURJIT KUMAR DEY
High Court of Judicature at Allahabad