2026:AHC:207548

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 42683 of 2026

Bhoopendra And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Shailesh Singh Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 72

HON'BLE DEEPAK VERMA, 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 has been filed by the applicants to quash the N.B.W.+82 CrPC order dated 16.05.2026 passed by the learned Chief Judicial Magistrate, Orai at Jalaun as well as entire proceedings of Complaint Case No.673 of 2001. (Omeshwar Prakash Vs. Smt. Rekha & others), under Sections 494 and 109 of IPC, Police Station Kotwali Orai, District Jalaun.

3. At the outset learned counsel for the applicants gave up his challenge to the aforesaid Non-bailable warrant and 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 courts 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 the learned counsel for the applicants, it is directed that the applicants shall surrender before the concerned court below within three weeks from today and in case they apply for bail or recall for NBW, 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 three weeks from today or till the time of surrender of the applicants before the concerned Court, whichever is earlier, non-bailable warrant dated 16.05.2026 shall be kept in abeyance.

8. With the above observations and directions, the application under Section 528 BNSS is **disposed of.**

(Deepak Verma,J.)

October 5, 2026
Meenu Singh

Digitally signed by :-
MEENU SINGH
High Court of Judicature at Allahabad