2026:AHC:210600

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 43323 of 2026

Vishal

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Vineet Kumar Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 76

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.

2. The present application under Section 528 BNSS has been filed for quashing the NBW order dated 27.06.2017 passed by Chief Judicial Magistrate, Mathura in Case No.3497/IX/2015 (State Vs. Vishal), under Sections 379 and 411 of IPC, arising out of Case Crime No.618/A of 2014, under Section 379 and 411 IPC, P.S. Kotwali,-7 District Mathura, pending in the court of learned Chief Judicial Magistrate, Mathura.

3. It is submitted by learned counsel for applicant that interim bail application has already been allowed in favour of the applicant and interim bail has been extended in favour of the applicant, but due to non appearance on a specific date, which culminated into passing order dated 27.06.2017 through which non-bailable warrants have been issued.

4. On perusal of the narration of FIR as well as impugned cognizance order and charge-sheet, this Court does not find it to be a case where interference of this Court is required. No such ground appears to be available in the present application, on the basis of which, impugned cognizance order along with charge-sheet and entire criminal proceedings of the said case, can be set aside.

5. Accordingly, the prayer sought through the instant application, is refused.

6. Lastly, learned counsel for applicant submitted that liberty may be granted to applicant to surrender before the court concerned in pursuance to non-bailable warrant dated 27.06.2017 issued against them to which learned

AGA has no objection.

7. In view of the aforesaid, the instant application is finally disposed of with a direction to the applicant to appear before learned court concerned in pursuance to non-bailable warrant order dated 27.06.2017 within three weeks from today, but he may not be compelled for furnishing fresh bail bonds and sureties, if the bail bond and sureties could refer at the behest of the applicants, in pursuance to bail order which has been passed after considering anticipatory bail application in favour of the applicants.

8. Till three weeks from today, no coercive action shall be initiated against the applicants. After the expiry of aforesaid period of three weeks, learned concerned court is directed to proceed as per law.

October 7, 2026
Ashish/-

(Saurabh Srivastava,J.)

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