2026:AHC:230623

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 49461 of 2026

Suresh And 5 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Dileep Kumar
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 under Section 528 B.N.S.S. has been filed by the applicant to quash the non bailable warrant order dated dated 27.05.2026 passed by learned Additional Chief Judicial Magistrate -IIIrd, Kanpur Dehat in Criminal Complaint No.225 of 2014 (State vs. Suresh and others) arising out of Case Crime No.309 of 2009, under Sections 379 I.P.C., P.S.Akbarpur, District Kanapur Dehat pending in the court of learned Additional Chief Judicial Magistrate-IIIrd Kanpur Dehat.

3. At the outset learned counsel for the applicant 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 wants 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 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, 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 applicant before the concerned Court below, whichever is earlier, non-bailable warrant dated 27.05.2026 shall be kept in abeyance.

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

November 5, 2026
SKD

(Deepak Verma,J.)

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