



2026:AHC-LKO:41088-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 5625 of 2026

Deepak Shukla And Another

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And 3
Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Desh Deepak Verma
Counsel for Respondent(s)	:	G.A.

Court No. - 2

HON'BLE SAURABH LAVANIA, J.

HON'BLE PRAMOD KUMAR SRIVASTAVA, J.

1. Sri Nishant Srivastava, Advocate has filed his Vakalatnama today in Court on behalf of opposite party No.4. The same is taken on record.

2. Heard Sri Desh Deepak Verma, learned counsel for the petitioners, Sri Nishant Srivastava, learned counsel for the opposite party No.4 as well as learned AGA for the state and perused the record.

3. The instant petition has been preferred seeking following main relief(s):-

"(i) issue a writ, order or direction in the nature of certiorari to quash the FIR dated 30.05.2026 registered as FIR No. 0505 of 2026 under Sections 109, 115(2), 351(2), 352 of BNS, registered at Police Station Kotwali Dehat, District Gonda (enclosed as Annexure No.1) in the interest of justice.

(ii) issue a writ, order or direction in the nature of Mandamus directing opposite parties to not to arrest the petitioners in aforesaid crime number during the pendency of this petition in the interest of justice."

4. After arguing the matter at some length, learned counsel for the petitioners states that he may be permitted to withdraw this writ petition with liberty to the petitioners to take recourse to the remedy available under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023 (in short

"BNSS").

Section 482 BNSS, referred, is extracted hereunder:-

"482. Direction for grant of bail to person apprehending arrest.-

(1) When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

(2) When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.

(3) If such person is thereafter arrested without warrant by an officer in charge of a police station on such accusation, and is prepared either at the time of arrest or at any time while in the custody of such officer to give bail, he shall be released on bail; and if a Magistrate taking cognizance of such offence decides that a warrant should be issued in the first instance against that person, he shall issue a bailable warrant in conformity with the direction of the Court under sub-section (1).

(4) Nothing in this section shall apply to any case involving the arrest of any person on accusation of having committed an offence under section 65 and sub-section (2) of section 70

of the Bharatiya Nyaya Sanhita, 2023."

5. Accordingly, the writ petition is **disposed of** with aforesaid liberty.

6. However, it is directed that in case the petitioners approaches the court of competent jurisdiction by way of moving appropriate application under Section 482 BNSS, the same shall be considered and decided in accordance with law, with expedition.

(Pramod Kumar Srivastava,J.) (Saurabh Lavania,J.)

June 15, 2026

Arvind