

Court No. - 92

Case :- APPLICATION U/S 482 No. - 38603 of 2023

Applicant :- Ajay Kumar And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohd. Mobin Ansari

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Mohd. Mobin Ansari, learned counsel for the applicants and Sri Kamlesh Kumar Tripathi, learned A.G.A. for the State.

2. The instant application has been filed u/S 482 Cr.P.C., praying for a direction the court below to accept the two sureties in all four cases against each of the applicants, in which they have been granted bail by the Trial Court. Against the applicant no. 1, the following four cases are pending and details of which are as follows, (i) Case Crime No. 214 of 2023 u/S 379 & 411 I.P.C.; (ii) Case Crime No. 215 of 2023 u/S 379 & 411 I.P.C., (iii) Case Crime No. 140 of 2023 u/S 379 & 411 I.P.C. & (iv) Case Crime No. 174 of 2023 u/S 379 & 411 I.P.C. All the cases are lodged at Police Station- G.R.P., Prayagraj (Allahabad). In all the aforesaid four cases, the applicant no. 1 has been granted bail by the Trial Court, vide orders dated 01.10.2023, 03.10.2023, 03.10.2023 and 03.10.20123 respectively.

3. Similarly, against the applicant no. 2, the following four cases are pending at Police Station- G.R.P., Prayagraj (Allahabad), (i) Case Crime No. 214 of 2023 u/S 379 & 411 I.P.C.; (ii) Case Crime No. 215 of 2023 u/S 379 & 411 I.P.C., (iii) Case Crime No. 140 of 2023 u/S 379 & 411 I.P.C. & (iv) Case Crime No. 221 of 2023 u/S 379 & 411 I.P.C. The applicant no. 2 has also been granted bail, vide order dated 16.09.2023, in all four cases.

4. Learned counsel for the applicants further submits that as per the routine orders passed granting bail, both the applicants are required to submit two sureties in each case. Then, each applicant is having four case against him then they have to arrange eight sureties in total for being released on bail. Due to non-production of the said sureties, the applicants are still in jail and could not be released.

5. Learned counsel for the applicants has placed reliance upon an order passed by the Apex Court in ***S.L.P Criminal No. 8914-8915 of 2015 (Hani Nishad @ Mohammad Imran @ Vikky vs The State Of Uttar Pradesh)***, which reads as follows:-

"Heard learned counsel for the parties. The petitioner is said to have been involved in 31 criminal cases for various offences.

The Trial Court granted bail in all the 31 cases by Signature Not Verified different orders inter alia on condition of arranging two sureties Digitally signed by SHASHI SAREEN Date: 2018.10.31 13:23:07 IST Reason:

each in all the cases.

The petitioner moved the High Court under Section 482 of [the Criminal Procedure Code](#), contending that it was impossible for the petitioner to arrange 62 sureties.

It is the case of the petitioner that the High Court had in similar circumstances granted bail to the petitioner with two sureties of Rs. 1,00,000/- (Rupees One lakh only) in the case under Gangster Act and the same sureties were to be the sureties in all other cases as well, by an order dated 21.9.2017. The petitioner was directed to execute personal bond of Rs. 30,000/- in each case.

However, by the impugned order, the High Court has modified the conditions of bail imposed by the Trial Court in the instant cases by directing the Trial Court to accept one common surety for all the cases and one surety each for the 31 cases.

Learned counsel for the petitioner submits that even though the Court has granted bail to the petitioner, the petitioner is unable to execute the bail bonds because of the onerous conditions of bail imposed particularly the condition of producing 31 sureties.

Considering the submissions, the impugned order is modified to the extent that the petitioner shall execute a personal bond for Rs. 30,000/- (Rupees Thirty thousand only) and the same bond shall hold good for all 31 cases. There shall be two sureties who shall execute the bond for Rs. 30,000/- which bond shall hold good for all the 31 cases. It is clarified that the personal bond so executed by the Petitioner and the bond so executed by the two sureties shall hold good for all the 31 cases.

With these observations, the Special Leave Petitions are disposed of.

Pending applications, if any, shall stand disposed of."

6. Be that as it may, it is not in dispute that the applicants are involved in the four different cases at the same police station of district, Allahabad.

7. This court finds substance in the applicants counsel's contention that arranging of eight sureties in respect of four cases would be difficult. Learned counsel for the applicants further submits that though there are four different cases but the offences are alleged of the similar nature. In the facts of the case, the instant application is disposed of with the direction that both the applicants shall be released

on bail in all four cases instituted against them for the offences u/S 379, 411 I.P.C., as detailed above, upon the applicants' furnishing their personal bonds of Rs. 50,000/- along with two sureties of the same amount, out of which one surety should be of the family member of the applicants and the same sureties and the bond shall be good for all four cases for release of the applicants.

8. With the aforesaid directions, the instant application is ***disposed of***.

Order Date :- 28.10.2023

Shubham Arya