

Court No. - 88

Case :- APPLICATION U/S 482 No. - 39323 of 2023

Applicant :- Ganga Ram

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Surjeet Singh Patel

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Singh,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State of U.P. and perused the material available on record.

2. This application under Section 482 Cr.P.C. has been preferred by the applicant with a prayer to permit the applicant to produce a single surety in all the twelve cases, which are mentioned as under:-

(i) Case Crime No. 136 of 2023, under Sections 411, 414 and 34 I.P.C., Police Station Adalhat, District Mirzapur, in which applicant has been granted bail by the court below vide order dated 25.07.2023. Copy of the same has been annexed as Annexure No. 5 to the affidavit.

(ii) Case Crime No. 133 of 2023, under Sections 380, 411, 414 and 34 I.P.C., Police Station Adalhat, District Mirzapur, in which applicant has been granted bail by the court below vide order dated 18.08.2023. Copy of the same has been annexed as Annexure No. 6 to the affidavit.

(iii) Case Crime No. 125 of 2023, under Sections 380, 411, 414 and 34 I.P.C., Police Station Adalhat, District Mirzapur, in which applicant has been granted bail by the court below vide order dated 18.08.2023. Copy of the same has been annexed as Annexure No. 7 to the affidavit.

(iv) Case Crime No. 102 of 2023, under Sections 380, 411 I.P.C., Police Station Jamalpur, District Mirzapur, in which applicant has been granted bail by the court below vide order dated 23.08.2023. Copy of the

same has been annexed as Annexure No. 8 to the affidavit.

(v) Case Crime No. 0060 of 2023, under Section 380 I.P.C., Police Station Ahraura, District Mirzapur, in which applicant has been granted bail by the court below vide order dated 23.08.2023. Copy of the same has been annexed as Annexure No. 9 to the affidavit.

(vi) Case Crime No. 165 of 2023, under Sections 457, 380, 411 I.P.C., Police Station Chunar, District Mirzapur, in which applicant has been granted bail by the court below vide order dated 24.08.2023. Copy of the same has been annexed as Annexure No. 10 to the affidavit.

(vii) Case Crime No. 192 of 2023, under Sections 457 and 380 I.P.C., Police Station Chunar, District Mirzapur, in which applicant has been granted bail by the court below vide order dated 24.08.2023. Copy of the same has been annexed as Annexure No. 11 to the affidavit.

(viii) Case Crime No. 171 of 2023, under Sections 457, 380 I.P.C., Police Station Chunar, District Mirzapur, in which applicant has been granted bail by the court below vide order dated 24.08.2023. Copy of the same has been annexed as Annexure No. 12 to the affidavit.

(ix) Case Crime No. 33 of 2023, under Sections 380 and 411 I.P.C., Police Station Baburi, District Chandauli, in which applicant has been granted bail by the court below vide order dated 29.08.2023. Copy of the same has been annexed as Annexure No. 13 to the affidavit.

(x) Case Crime No. 162 of 2023, under Section 380 I.P.C., Police Station Chakiya, District Chandauli, in which applicant has been granted bail by the court below vide order dated 01.09.2023. Copy of the same has been annexed as Annexure No. 14 to the affidavit.

(xi) Case Crime No. 156 of 2023, under Section 379

I.P.C., Police Station Chakiya, District Chandauli, in which applicant has been granted bail by the court below vide order dated 01.09.2023. Copy of the same has been annexed as Annexure No. 15 to the affidavit.

(xii) Case Crime No. 188 of 2023, under Sections 379 and 411 I.P.C., Police Station Alinagar, District Chandauli, in which applicant has been granted bail by the court below vide order dated 29.09.2023. Copy of the same has been annexed as Annexure No. 16 to the affidavit. .

3. Facts, as are not in dispute, are that the applicant was initially implicated in a case being Case Crime No. 136 of 2023, under Sections 411, 414 and 34 I.P.C., Police Station Adalhat, District Mirzapur and thereafter, eleven more criminal cases have been registered against him and after his arrest in the aforementioned cases, he has applied for bail, which has been granted by the court below in all the twelve cases.

4. It is alleged that the applicant has been subsequently implicated in eleven other cases of similar nature, details whereof are given in prayer clause of the instant application. Although bail orders are stated to have been passed in all cases but since the applicant has not been able to furnish twenty four sureties, he has yet not been released from jail and incarcerated in jail since 23.06.2023.

5. Learned counsel for the applicant states that the applicant has been enlarged on bail in all the twelve cases but the routine direction is to furnish two sureties each in all twelve matters. It is submitted that the applicant is a poor person and has no means to arrange for twenty four sureties and that is why, he has continued to remain incarcerated in jail notwithstanding grant of bail by the competent court in all matters. Reliance is placed upon an order passed by the Hon'ble Apex Court in Petition(s) for **Special Leave to Appeal (Crl.) No(s). 8914-8915/2018 (Hani Nishad @ Mohammad Imran @ Vickki Vs. State of U.P.)**, which reads as under:-

"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 different orders inter alia on condition of arranging two sureties 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 applicant is implicated in twelve different cases instituted against him in the different police station of District Mirzapur and District Chandauli. This Court

finds substance in the applicant's counsel contention that arranging for separate sureties in respect of twelve cases would be difficult particularly as the offences though distinct but are similar in nature.

7. In the facts of the case, it is directed that:-

7.1 the applicant shall be released on bail in all the eight cases instituted against him at District Mirzapur by furnishing a personal bond of Rs. 50,000/- and two sureties of the same amount (one surety should be of family member of the applicant) and the same bond shall hold good for all eight cases instituted against the applicant at District Mirzapur.

7.2 the applicant shall be released on bail in all the four cases instituted against him at District Chandauli by furnishing a personal bond of Rs. 50,000/- and two sureties of the same amount (one surety should be of family member of the applicant) and the same bond shall hold good for all four cases instituted against the applicant at District Chandauli.

8. With the aforesaid directions, the present application under Section 482 Cr.P.C. stands ***disposed of.***

Order Date :- 27.10.2023

Saurabh