

Court No. - 92

Case :- APPLICATION U/S 482 No. - 40523 of 2023

Applicant :- Shahnawaz @ Cona @ Chotu And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Anil Mullick

Counsel for Opposite Party :- G.A.

Hon'ble Anish Kumar Gupta,J.

1. Heard Sri Anil Mullick, learned counsel for the applicants and Sri Rajeev Kumar Singh, learned AGA appearing for the State.

2. The instant application under Section 482 Cr.P.C. has been filed praying for a direction to accept the single personal bond of the applicants and two sureties of a like amount for all the 24 cases, in which the applicants have been granted bail by the Trial Court.

3. Learned counsel for the applicants submits that out of these 24 cases, 18 cases are leveled against the applicants for the theft of electricity under Section 136 of the Electricity Act and in rest of the cases, some offences under the Indian Penal Code has been alleged against the applicants. Learned counsel for the applicants submits that it is impossible for the applicants to submit the personal bond in each individual 24 cases and arrange the two sureties for each of the cases. If that is so that the applicants had to arrange personal bond of a huge amount as in some cases, the personal bond of Rs. 25,000/- each has been demanded and in some cases, personal bond of rupees one lac has been directed to be furnished by the Trial Court and if the two sureties in each case is required to be submitted, then the applicants will have to arrange 48 sureties, which is impossible for the applicants herein. Learned counsel for the applicants has relied upon an order of the Apex Court in Special Leave to Appeal (Crl.) No(s). 8914-8915 of 2018 (Hani Nishad @ Mohammad Imran @ Vikky vs. State of U.P.), wherein the Apex Court has ordered 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 Signature Not Verified 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."

4. Learned counsel for the applicants further places reliance upon another order of this Court dated 16.05.2023 in Application under Section 482 No. 18149 of 2023 (Shekhar and another vs. State of U.P.) wherein in the similar circumstances, this Court has directed the applicants to submit one personal bond each and two sureties of the like amount, which shall hold good in all eight cases, in that case.

5. In view of the aforesaid factual background and legal position, learned counsel for the State has no objection if the similar order is passed directing the applicants to submit one personal bond each and two sureties each, which shall hold good for all 24 cases provided that out of the two sureties submitted by the applicants, one must be a family member of the applicants.

6. In view of the aforesaid submissions and in the light of the aforequoted order of the Apex Court, which has been relied upon by this Court, it is provided that both the applicants shall furnish personal bond of rupees one lac each and two sureties of the like amount, out of which one must be a family member of the applicants. Such personal bond and sureties submitted by the applicants shall hold good in all the 24 cases wherein the applicants have been granted bail by the Trial Court.

7. With the aforesaid observation, the instant application is **disposed of**.

Order Date :- 6.12.2023

Ashish Pd.