Court No. - 89

Case :- APPLICATION U/S 482 No. - 40940 of 2023

Applicant :- Updesh @ Rocky
Opposite Party :- State of U.P.
Counsel for Applicant :- Manish Kumar Singh
Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard Sri Manish Kumar Singh, learned counsel for the applicant and learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to allow this application and direct the CJM, Agra to accept two sureties and one personal bond to the satisfaction of the court concerned for 3 cases.

3. The contention of learned counsel for the applicant is that applicant has been granted bail in 4 cases with direction that he shall deposit Rs.50,000/- personal bond and two sureties in three bail orders and Rs.75,000/- in another bail order. He next submits that applicant is not in a position to furnish huge amount. He has placed reliance over the judgment of Hon'ble The Apex Court passed in the case of **Hani Nishad @ Mohammad Imran @ Vikky Vs. The State of UP,** in Special Leave to Appeal (Crl.) No.8915 of 2018 passed on 29.10.2018. The operative portion of the order of Hon'ble the Apex Court is quoted herein below:

"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. In view of the judgment passed by Hon'ble the Apex Court, the trial court is directed to accept one common surety for all the 3 cases.

5. In view of the above, the impugned order is modified to the extent that the applicant shall execute a personal bond for Rs.75,000/- and the same bond shall hold good for all 4 cases. There shall be two sureties who shall execute the bond for Rs.75,000/- which bond shall hold good for all the 4 cases. It is clarified that the personal bond so executed by the applicant and the bond so executed by the two sureties shall hold good for all the 4 cases.

6. With the above directions, this application is **disposed of** finally.

Order Date :- 6.11.2023
Nitin Verma

Digitally signed by :-
NITIN KUMAR VERMA
High Court of Judicature at Allahabad