

Court No. - 89

Case :- APPLICATION U/S 482 No. - 41388 of 2023

Applicant :- Nasimuddin @ Badda

Opposite Party :- State of U.P.

Counsel for Applicant :- R.S. Maurya

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the material available on record.

2.This application under Section 482 Cr.P.C. has been filed with the prayer to direct the Additional District & Session Judge, Meerut to accept the one personal bond and two sureties to the satisfaction of the court concerned in all ten cases, which are written as under:-

- (1). Case Crime No. 32 of 2023, under Sections 392, 506, 411, Police Station Transport Nagar, District Meerut.
- (2). Case Crime No. 49 of 2023, under Sections 392, 411 IPC, Police Station Transport Nagar, District Meerut.
- (3). Case Crime No. 50 of 2023, under Sections 392, 411 I.P.C., Police Station Transport Nagar, District Meerut.
- (4). Case Crime No. 17 of 2022, under Sections 392 IPC, Police Station Partapur, District Meerut.
- (5). Case Crime No. 53 of 2022, under Sections 307, 414, I.P.C. & 3/5 Arms Act, Police Station Partapur, District Meerut.
- (6). Case Crime No. 55 of 2023, under Sections 224, 307, IPC, Police Station Brahmpuri, District Meerut.
- (7). Case Crime No. 576 of 2022, under Sections 392 IPC, Police Station Partapur, District Kanpur Meerut.
- (8) Case Crime No.586 of 2022, under section 392 I.P.C., Police Station Partapur, District Meerut.
- (9) Case Crime No.1632 of 2022, under sections 392, 411 I.P.C., Police Station Kavi Nagar, District Ghaziabad.
- (10) Case Crime No.161 of 2023, under section 2/3 U.P. Gangster Act, Police Station Transport Nagar, District Meerut.

3. Facts, as are not in dispute, are that the applicant was initially implicated in a case being Case Crime No. 32 of 2023, under Sections 392, 506, 411 I.P.C., Police Station Transport Nagar, District Meerut and thereafter, nine more criminal cases has been registered against him and after his arrest in the above cases, he has applied for bail, which has been granted by the court below in all ten cases.

4. It is alleged that the applicant has been subsequently implicated in ten other cases of similar nature in the same district, 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 fourteen sureties, he has yet not been released from jail and incarcerated in jail since 19.02.2023.

5. Learned counsel for the applicant states that the applicant has been enlarged on bail in all the ten cases but the routine direction is to furnish two sureties each in all eight matters. It is submitted that the applicant is a poor person and has no means to arrange for sixteen 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 ten different cases instituted against him in the different police station of District Meerut & Ghaziabad. This Court finds substance in the applicant's counsel contention that arranging for separate sureties in respect of seven 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 the applicant shall be released on bail in all ten cases instituted against him, furnishing a personal bond of Rs. 1,00,000/- 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 ten cases. There shall be two sureties, who shall execute the bond of the aforesaid amount and the same shall hold good for all ten cases.

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

Order Date :- 8.11.2023
SKD