

Court No. - 28

Case :- APPLICATION U/S 482 No. - 9986 of 2023

Applicant :- Fagu Lona

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko

Counsel for Applicant :- Nijam Ahamad

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

Heard learned counsel for the applicant, Sri V.N.Nishad, learned AGA for the State and perused the material placed on record.

By means of the instant application, the applicant has prayed that this Court be pleased to direct the learned Court below not to insist the petitioner to file surety bond in each and every eleven cases and accept only two sureties in lieu of all the eleven cases.

The learned counsel appearing for the applicant submits that it has become impossible for the applicant to submit surety in each of case in which he has been granted bail. He added that the applicant has been granted bail in eleven cases arising out of following Case Crime Numbers :-

1) Case Crime No. 73 of 2022, under Sections 382 of IPC, PS -Malipur, District Ambedkar Nagar.

2) Case Crime No. 521 of 2022, under Section 3(1) of U.P.Gangster Act, PS-Akbarpur, District Ambedkar Nagar.

3) Case Crime No. 36 of 2022, under Sections 457, 380 of IPC, PS Jaitpur, District Ambedkar Nagar.

4) Case Crime No. 150 of 2022, under Sections 307 of IPC, PS Kotwali Akbarpur, District Ambedkar Nagar.

5) Case Crime No. 64 of 2022, under Sections 457, 380 of IPC, PS Sammanpur, District Ambedkar Nagar.

6) Case Crime No. 72 of 2022, under Sections 457, 380 of IPC, PS Jalalpur, District Ambedkar Nagar.

7)Case Crime No. 149 of 2022, under Sections 395, 397, 412 of IPC, PS Akbarpur, District Ambedkar Nagar.

8)Case Crime No. 153 of 2022, under Sections 420, 467, 468, 471 of IPC, PS Kotwali Akbarpur, District Ambedkar Nagar.

9)Case Crime No. 96 of 2022, under Sections 457, 380, 411 of IPC, PS Tanda, District Ambedkar Nagar.

10)Case Crime No. 111 of 2022, under Sections 3/25 of Arms Act, PS Jalalpur, District Ambedkar Nagar.

11)Case Crime No. 70 of 2022, under section 380 of IPC, PS Sammanpur, District Ambedkar Nagar.

He next added that despite the Trial Court granted the bail, the applicant is still in jail and the applicant being poor person is unable to produce the sureties in each cases. It is further submitted by the learned counsel for the applicant that in similar circumstances, namely, in the case of ***Hani Nishad @ Mohammad Imran @ Vikky vs. The State of Uttar Pradesh [SLP (Crl.) No.8914-8915/2018]*** the Supreme Court vide order dated 29.10.2018 has permitted the petitioner to submit personal bonds and two sureties of heavy amount to hold good in all the cases.

Considering the aforesaid fact, the petition is ***disposed of*** with a direction to the applicant to furnish a personal bond of Rs.3,00,000/- and two sureties of the like amount in one case, which shall be treated to be valid in all other cases wherein the bail orders have been passed.

Order Date :- 12.10.2023

AKS