

Court No. - 11

Case :- APPLICATION U/S 482 No. - 11516 of 2023

Applicant :- Vinod Rathaur

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

Counsel for Applicant :- Vimlesh Kumar Yadav, Sudhaker Prakash

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

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

The instant application under Section 482 Cr.P.C. has been filed by the applicant to permit him to submit two sureties and personal bond in all cases mentioned in para 5 of this application.

Learned counsel for the applicant submits that the applicant is innocent and he has falsely been implicated in 5 cases. He next submitted that in all the case registered against the applicant, he has been granted bail by the court below. He says that the applicant is a poor labourer, thus, he is not in a position to furnish huge sureties for all the cases in compliance of bail orders. It is further submitted that the details of cases registered against the applicant are as follows:-

- (i) Case Crime No. 240 of 2023, under Section 380, 457, 411 I.P.C.
- (ii) Case Crime No. 138 of 2023, under Section 380, 457, 411 I.P.C.
- (iii) Case Crime No. 139 of 2023, under Section 380, 457, 411 I.P.C.
- (iv) Case Crime No. 123 of 2023, under Section 380, 457, 411 I.P.C.
- (v) Case Crime No. 205 of 2023, under Section 380, 457, 411 I.P.C.

Learned counsel for the applicant has relied upon the judgment of the Apex Court passed in ***Special Leave to Appeal (Criminal) No. 8914-8915 of 2018; Hani Nishad @ Mohammad Imran @ Vikky Vs. State of U.P.***

Learned A.G.A. submits that he does not want to file any counter affidavit.

In view of the facts and circumstances of the case as well as rival submissions advanced by the learned counsel for both the parties, the present application under Section 482 Cr.P.C. stands ***disposed of*** finally in the light law laid down by the Apex Court in the case of ***Hani Nishad @ Mohammad Imran @ Vikky (Supra)*** and the Court below is directed to execute the personal bond of Rs. 20,000/- in every case and produce two sureties each in the like amount to the satisfaction of the Court/Magistrate concerned in one case which shall hold good for rest of the cases.

Order Date :- 24.11.2023

Arun/-