

Court No. - 11

Case :- APPLICATION U/S 482 No. - 11872 of 2023

Applicant :- Gautam Mandal

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Civil Sectt.
Home Deptt. Civil Sectt. Lko

Counsel for Applicant :- Shamshad Ahmad Khan

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

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

The instant application under Section 482 Cr.P.C. has been filed by the applicant inter alia praying for the following main relief:-

"Wherefore, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to direct the Learned Special Chief judicial Magistrate (Custom) Lucknow to release the petitioner on personal bonds with or without sureties as provided in Criminal Procedure Code in all cases in which bail orders have been passed in favour of the petitioner to file separate bonds and bail bonds in all the cases."

Learned counsel for the applicant submits that the applicant is innocent and he has falsely been implicated in 7 cases. He next submitted that in all the cases registered against the applicant, he has been granted bail by the court concerned. The applicant is having no criminal antecedents. He says that the applicant is not in a position to furnish huge sureties in each and every case in compliance of bail orders. In regard to the cases registered against the applicant, reliance has been placed on para 10 of instant application by the applicant's counsel.

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 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. 50,000/- 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 :- 7.12.2023

Arun/-