

Court No. - 23

Case :- APPLICATION U/S 482 No. - 11967 of 2023

Applicant :- Lalit Pal

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

Counsel for Applicant :- Shuaib Khan, Mohammad Ahmad

Counsel for Opposite Party :- G.A.

Hon'ble Ajai Kumar Srivastava-I,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the entire record.
2. The instant application under Section 482 Cr.P.C. has been filed by the applicant to direct the learned court concerned to release the applicant on bail in two cases after accepting one surety of appropriate amount and personal bond in each case in the interest of justice.
3. It is submitted by learned counsel for the applicant that in two criminal cases bearing (i) Case Crime No.680 of 2022, under Sections 457, 380, 411 I.P.C., Police Station Chinhat, District Lucknow and (ii) Case Crime No.688 of 2022, under Sections 457, 380, 411 I.P.C., Police Station Chinhat, District Lucknow, the applicant has already been granted bail by the court below subject to filing a personal bond and two sureties in the like amount. However, the applicant being unable to arrange two sureties for each case is still languishing in jail. He, thus, submits that the condition of filing two sureties each be relaxed and

the applicant should be directed to be released on filing his personal bonds only.

4. Per contra, learned A.G.A. has opposed the prayer made by learned counsel for the applicant by submitting that the condition of filing two sureties and bonds is inseparable part of the order granting bail to the applicant. Therefore, the applicant cannot be exempted from filing sureties bonds as directed by learned trial Court.

5. Having heard learned counsel for parties and upon perusal of the record it transpires that the applicant has already been granted bail in the aforesaid two cases with the condition to file a personal bond and two sureties in each cases.

6. Learned counsel for the applicant has relied upon the decision of Apex Court in the case of **Hani Nishad @ Mohammad Imran @ Vicky vs. The State of Uttar Pradesh in Special Leave to Appeal No. 8914-8915 of 2018**, decided on 31.10.2013, in which, Hon'ble Apex Court has passed the order directing the accused to execute one personal bond and two sureties in all cases, in which, he was enlarged on bail.

7. Thus, having regard to the overall aforesaid facts and circumstances of the case, it is provided that the applicant shall furnish a personal bond of the amount specified by the learned trial Court and one surety in each cases i.e. (i) Case Crime No.680 of 2022, under Sections 457, 380, 411 I.P.C., Police Station Chinhat, District Lucknow and

(ii) Case Crime No.688 of 2022, under Sections 457, 380, 411 I.P.C., Police Station Chinhath, District Lucknow and thereafter he shall be released on bail in accordance with law, if he is not wanted in any other case.

8. With the above observations, this application under Section 482 Cr.P.C. is finally **disposed of**.

Order Date :- 8.12.2023
Mahesh