

Court No. - 15

Case :- APPLICATION U/S 482 No. - 12251 of 2023

Applicant :- Awanish Pandey

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

Counsel for Applicant :- Virendra Kumar Arya

Counsel for Opposite Party :- G.A.

Hon'ble Shamim Ahmed,J.

Heard Sri Virendra Kumar Arya, learned counsel for the applicant and learned A.G.A. for the state and perused the record.

This instant application under Section 482 Cr.P.C. has been filed by the applicant for directing the learned Court below to release the applicant by excepting only two sureties and not to insist the applicant to file separate surety bonds in each and every five cases and as mentioned in the application.

It has been submitted by the learned counsel for the applicant that the applicant has been falsely implicated in five criminal cases and has been granted bail by the competent courts, the details of cases are as under :-

1. Case Crime No.533/2022, under Sections 420, 406, 467, 468, 471 and 109 I.P.C., Police Station Kotwali, Barabanki.
2. Case Crime No.534/2022, under Sections 420, 406, 467, 468, 471 and 109 I.P.C., Police Station Kotwali, Barabanki.
3. Case Crime No.535/2022, under Sections 420, 406, 467, 468, 471 and 109 I.P.C., Police Station Kotwali, Barabanki.
4. Case Crime No.536/2022, under Sections 420, 406, 467, 468, 471 and 109 I.P.C., Police Station Kotwali, Barabanki.
5. Case Crime No.557/2022, under Sections 419, 420, 447, 427, 467, 468, 471 and 109 I.P.C., Police Station Kotwali, Barabanki.
6. F.I.R. No.1357/2022, under Sections 420, 406, 467, 468, 471 and 109 I.P.C., Police Station Kotwali, Barabanki.
7. F.I.R. No.1358/2022, under Sections 420, 406, 467, 468, 471 and 109 I.P.C., Police Station Kotwali, Barabanki.

8. F.I.R. No.1359/2022, under Sections 420, 406, 467, 468, 471 and 109 I.P.C., Police Station Kotwali, Barabanki.

9. F.I.R. No.1128/2022, under Sections 420, 406, 504, 506 and 109 I.P.C., Police Station Kotwali, Barabanki.

10.F.I.R. No.0169/2023, under Sections 420, 406, 447, 427, 467, 468, 471 and 120B I.P.C., Police Station Kotwali, Barabanki.

11. F.I.R. No.525/2022, under Sections 3 (1) of U.P. Gangsters & Anti Social Activities Prevention Act, 1986, Police Station Kotwali, Barabanki.

It has been submitted by the learned counsel for the applicant that the applicant belongs to a very poor family so he is unable to manage 22 persons for surety before the learned trial court.

The Hon'ble Supreme Court in special leave to appeal **Criminal No.8914- 8915 of 2018 Hani Nishad alias Mohd. Imran alias Viccky vs. State of U.P. and Others** had directed that the applicant who was an accused in 31 cases be released on bail taking one personal bond and two sureties.

A prayer has been made by the learned counsel for the applicant that the applicant be also given the benefit of judgment rendered by the Hon'ble Supreme Court in the case of **Hani Nishad (supra)**.

This application is **disposed of** with the direction to the learned trial court to accept one personal bond and two sureties to its satisfaction in one criminal case against the applicant and such personal bond and sureties shall hold good in all the eleven cases in which the applicant has been granted bail.

Order Date :- 16.12.2023

Piyush/-