

Court No. - 11

Case :- APPLICATION U/S 482 No. - 12683 of 2023

Applicant :- Hari Shanker Alias Phukkan

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

Counsel for Applicant :- Prashant Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Heard.

The present application under Section 482 CrPC has been filed with following prayer:-

"(i) Issue an order or directions, directing the Addl Session Judge & Session Judge Lucknow and the Magistrate concerned to permit the applicant to file the two sureties bond and release the applicant from all the cases by furnishing the two sureties bond during the pending disposal of the trial.

(ii). Issue any other writ order or directions which this Hon'ble court may deem fit just and proper in the circumstances of the case be also awarded to the petitioners against the opposite parties.

(iii). To award the cost of this application to the petitioners."

Learned counsel for the applicant submits that the applicant is innocent and he has falsely been implicated in 6 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. 424 of 2023, under Section 380/411 I.P.C., P.S.-Mohanlalganj, District-Lucknow

(ii) Case Crime No. 312 of 2023, under Section 380/411 I.P.C., P.S.-Mohanlalganj, District-Lucknow

(iii) Case Crime No. 414 of 2023, under Section 380/411/413/414 I.P.C., P.S.-Mohanlalganj, District-Lucknow

(iv) Case Crime No. 428 of 2023, under Section 3/25 of Arms Act, P.S.-Mohanlalganj, District-Lucknow

(v) Case Crime No. 207 of 2023, under Section 380/457/411 I.P.C., P.S.-Nagram, District-Lucknow

(vi) Case Crime No. 370 of 2023, under Section 380/411 I.P.C., P.S.-Sarojni Nagar, District-Lucknow

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 :- 22.12.2023

Raj