

Court No. - 12

Case :- APPLICATION U/S 482 No. - 12687 of 2023

Applicant :- Shailesh Yadav @ Vikram Kashyap @ Vikki

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

Counsel for Applicant :- Parmanand Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. The present application under Section 482 Cr.P.C. has been filed by the applicant to direct the trial court to allow the applicant to submit only a personal bond and two sureties in lieu of 37 cases.

2. The applicant has been implicated in 37 cases, details of which are as under:

i) Case Crime No. 1074/2019 under section 2/ 3 U.P. Gangstor Act P.S. Madiyaon, Lucknow.

ii) Case Crime No. 1006/2018 under section 457, 380, 411 IPC P.S. Madiyaon, Lucknow.

iii) Case Crime No. 63/2019 under section 457, 380, 411 IPC P.S. Madiyaon, Lucknow.

iv) Case Crime No. 143/2019 under section 457, 380, 411 IPC P.S. Madiyaon, Lucknow.

v) Case Crime No. 359/2019 under section 457, 380, 411 IPC P.S. Madiyaon, Lucknow.

vi) Case Crime No. 382/2019 under section 457, 380, 411 IPC P.S. Madiyaon, Lucknow.

vii) Case Crime No. 488/2019 under section 380, 411 IPC P.S. Madiyaon, Lucknow.

viii) Case Crime No. 537/2019 under section 457, 380, 411 IPC P.S. Madiyaon, Lucknow.

ix) Case Crime No. 587/2019 under section 307 IPC P.S. Madiyaon, Lucknow.

x) Case Crime No. 649/2019 under section 380 IPC P.S. Madiyaon, Lucknow.

- xi) Case Crime No. 654/2019 under section 454, 380, 411 IPC P.S. Madiyaon, Lucknow.
- xii) Case Crime No. 698/2019 under section 41, 411 IPC P.S. Madiyaon, Lucknow.
- xiii) Case Crime No. 349/2019 under section 457, 380, 411 IPC P.S. Gudamba, Lucknow.
- xiv) Case Crime No. 423/2019 under section 457, 380, 411 IPC P.S. Gudamba, Lucknow.
- xv) Case Crime No. 587/2018 under section 394, 420, 467, 468, 471, 507 IPC, P.S. Gudamba, Lucknow.
- xvi) Case Crime No. 167/2019 under section 380, 411 IPC P.S. Aliganj, Lucknow.
- xvii) Case Crime No. 305/2019 under section 380, 411 IPC P.S. Aliganj, Lucknow.
- xviii) Case Crime No. 306/2019 under section 380, 411 IPC P.S. Aliganj, Lucknow.
- xix) Case Crime No. 117/2019 under section 457, 380, 411 IPC P.S. Jankipuram, Lucknow.
- xx) Case Crime No. 439/2017 under section 457, 380, 411 IPC P.S. Jankipuram, Lucknow.
- xxi) Case Crime No. 431/2019 under section 457, 380, 411 IPC P.S. Gomti Nagar, Lucknow.
- xxii) Case Crime No. 483/2019 under section 380, 411 IPC P.S. Gomti Nagar, Lucknow.
- xxiii) Case Crime No. 525/2019 under section 380, 454, 411 IPC P.S. Para, Lucknow
- xxiv) Case Crime No. 355/2019 under section 457, 380, 411 IPC P.S. Chinhath, Lucknow.
- xxv) Case Crime No. 466/2019 under section 457, 380, 411 IPC P.S. Chinhath, Lucknow.
- xxvi) Case Crime No. 514/2019 under section 457, 380, 411 IPC P.S. Chinhath, Lucknow.
- xxvii) Case Crime No. 609/2019 under section 380, 411 IPC P.S. Chinhath, Lucknow.

xxviii) Case Crime No. 611/2019 under section 457, 380, 411 IPC P.S. Chinhath, Lucknow.

xxix) Case Crime No. 638/2019 under section 454, 380, 411 IPC P.S. Chinhath, Lucknow.

xxx) Case Crime No. 666/2019 under section 380 411 IPC P.S. Chinhath, Lucknow.

xxxi) Case Crime No. 1207/2018 under section 323, 324, 352, 504, 506 IPC P.S. Chinhath, Lucknow.

xxxii) Case Crime No. 218/2019 under section 380, 411 IPC P.S. Mahanagar, Lucknow.

xxxiii) Case Crime No. 477/2019 under section 380, 411 IPC P.S P.G.I., Lucknow.

xxxiv) Case Crime No. 172/2019 under section 454, 380, 411 IPC P.S. Hasanganj, Lucknow.

xxxv) Case Crime No. 266/2019 under section 457, 380 411 IPC P.S. Indira Nagar, Lucknow.

xxxvi) Case Crime No. 282/2019 under section 457, 380 411 IPC P.S. Indira Nagar, Lucknow.

xxxvii) Case Crime No. 326/2019 under section 457, 380 411 IPC P.S. Indira Nagar, Lucknow.

3. As per the judgment of Hon'ble Supreme Court in the case of **Hani Nishad @ Mohammad Imran @ Vikky Vs. The State of Uttar Praesh [SLP (Crl.) No.8914-8915/2018]**, relief can be granted to applicant.

4. Learned A.G.A., however, opposes the prayer of the applicant and submits that it is always the discretion and satisfaction of the trial court, so far as the acceptance of the sureties is concerned.

5. Having heard the above submission, it appears that the only grievance of the applicant appears to be that, despite having obtained the order of the bail in all the cases, he is not able to come out of the prison for the reason that he is unable to find separate sureties for each case and, thus, a prayer has been made that, applicant be permitted to file same sureties in all the 37 cases and a suitable direction in this regard be given to the trial court.

6. The acceptance of the sureties and their verification is the

prerogative of the trial court and the same, in any case, could not be controlled by this Court. Sufficient guidelines in this regard have already been given by the High Court on administrative side to the subordinate courts. However, as far as the grievance of the applicant, pertaining to the fact that he is not in a position to arrange separate sureties for 37 cases, is concerned, the answer to this apprehension and grievance is implicit in Section 441-A of Code of Criminal Procedure, which is reproduced as under:-

"Declaration by sureties- Every person standing surety to an accused person for his release on bail, shall make a declaration before the Court as to the number of persons to whom he has stood surety including the accused, giving therein all the relevant particulars."

7. Perusal of this Section shows that, a person, who is intending to be the surety of any accused person, is obliged to declare before the Court that apart from the person, to whom he is standing surety, for how many other accused persons, he has stood surety. Therefore, the texture of the Section 441-A of the Cr.P.C., which has been introduced by way of amendment made in the year 2006 clearly reflects that a person may stand surety for more than one accused person and in more than one case. So there appears no bar for a person to stand surety in more than one case and also for more than one accused person.

8. However, as stated earlier, the status, verification and the competency of the surety will always be assessed by the trial court before acceptance.

9. Thus, it is directed that, if same sureties are placed before the trial court and they are otherwise competent and their status and other particulars have been duly verified, the trial court, in its discretion, may accept the same in all the cases mentioned hereinbefore.

10. With the aforesaid observations, the application is finally **disposed of.**

Order Date :- 22.12.2023

Arpan