

Court No. - 29

Case :- APPLICATION U/S 482 No. - 2360 of 2024

Applicant :- Shri Ram And 6 Others

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

Counsel for Applicant :- Vishwanath Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

Heard Shri Kaushal Tiwari, learned counsel holding brief of Shri Vishwanath Tiwari, learned counsel for the applicants and Shri S. P. Tiwari, learned AGA for the State.

The impugned order passed by the learned revising court has rejected the challenge made by the applicants against the summoning order passed by the learned trial court. The learned revising court has found that the prima facie offence is disclosed from the perusal of the complaint and the statements of the witnesses.

perusal of the complaint, the summoning order as well as the impugned order passed by the learned revising court disclose that the applicants along with other co-accused persons forced themselves in the house of the opposite party no. 2 and assaulted and abused her. When her family members came to her rescue they too were assaulted by the complainant. On hearing hue and cry a number of persons from the village gathered at the spot. There is no infirmity in the orders passed by the

learned trial court and the learned revising court.

Faced with this, Shri Kaushal Tiwari, learned counsel holding brief of Shri Vishwanath Tiwari, learned counsel for the applicants does not press the prayer sought in the application. He recasts his relief and submits that a number of sureties will be demanded by the learned trial court since there are seven accused persons. Due to socioeconomic conditions of the applicants, they shall not be able to arrange a number of sureties.

The learned court below shall apply its mind and determine the sureties after considering all relevant considerations including the socioeconomic status of the applicants as envisaged by this Court in **Arvind Singh v. State of U.P. Thru. Prin. Secy. Home Deptt. (Application U/S 482 No.2613 of 2023)**. The learned court below may allow the applicants to furnish one surety for all the applicants in case the applicants cannot arrange multiple sureties. The learned court below shall always ensure that the right of bail granted by the competent court to the applicants is not frustrated by arbitrary demands for sureties.

The Application U/S 482 is disposed of.

Order Date :- 18.3.2024

Dhananjai