

Court No. - 29

Case :- APPLICATION U/S 482 No. - 2610 of 2024

Applicant :- Nitin Keshavji

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko. And 2 Others

Counsel for Applicant :- Vivek Raghubanshi

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

Supplementary affidavit filed by the learned counsel for the applicant is taken in the record.

The applicant is aggrieved by the excessive sureties fixed by the learned trial court while granting him bail on 19.12.2023. The applicant has been enlarged on bail by this Court rendered on 19.12.2023 in Criminal Misc. Anticipatory Bail Application U/S 438 Cr.P.C. No.2876 of 2023 (Nitin Keshavji v. State Of U.P. Thru. Prin. Secy. Home Lko. And 2 Others).

It is submitted by Shri Vivek Raghubanshi, learned counsel for the applicant that the applicant is unable to arrange sureties in every single case which is pending against him. The applicant does not have the social standing or the economic status to provide for securities of this nature.

The learned trial court mechanically fixed the sureties without applying its mind to all relevant considerations including the socioeconomic status of the applicant 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) and Hani Nishad @ Mohammad Imran @ Vikky Vs. State of Uttar Pradesh rendered by the Supreme Court in **SLP (Crl. No. 8914-8915/2018)**.

The learned trial court is directed to fix the sureties after due application of mind in light of the judgement rendered by this Court in **Arvind Singh (supra) and Hani Nishad @ Mohammad Imran @ Vikky (supra)**.

The learned trial court shall ensure that the right of bail of the applicant granted by this Court is not frustrated by arbitrary demands of sureties which are unrelated to the socioeconomic status of the applicant.

The Application U/S 482 is disposed of.

Order Date :- 21.3.2024

Ashish Tripathi