

Court No. - 29

Case :- APPLICATION U/S 482 No. - 2678 of 2024

Applicant :- Vinod Nishad Thru. His Aunt Smt Ram Kali

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

Counsel for Applicant :- Ashok Kumar Singh Tomar

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

Heard Shri Ashok Kumar Singh Tomar, learned counsel for the applicant and learned A.G.A. for the State.

The applicant is aggrieved by the excessive sureties fixed by the learned trial court. The applicant was earlier released on bail by the High Court as well as the Hon'ble Supreme Court respectively by order dated 13.07.2023 and 01.03.2024. Learned trial court has directed the applicant to file a personal bond of Rs.1 lac and two sureties of equal amount in both the cases respectively.

It is contended that the applicant belongs to a marginalized section of the society and is unable to arrange the aforesaid sureties. Learned trial court acted in the teeth of the judgement of this Court on 21.03.2023 in **Arvind Singh v. State of U.P. Thru. Prin. Secy. Home Deptt.** (Application U/S 482 No.2613 of 2023).

The perusal of the order shows that it has been passed in a mechanical manner. There is no reflection on the socioeconomic status of the applicants or independent

application of mind as envisaged by this Court in **Arvind Singh (supra)**.

From perusal of the record, it appears that 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).

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 Vs. the State of Uttar Pradesh** rendered by the Supreme Court in **SLP (Crl. No.8914-8915 of 2018)**.

The learned trial court shall ensure that the right of bail of the applicant granted by this Court as well as Hon'ble Supreme 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 :- 19.3.2024
Ashutosh