

Court No. - 29

Case :- APPLICATION U/S 482 No. - 2663 of 2024

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

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

Counsel for Applicant :- Ashok Kumar Singh Tomar

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

Heard Sri Ashok Kumar Singh Tomar Sandeep Kumar Srivastava, learned counsel holding brief of Sri Vijay Shankar Trivedi, counsel for the applicant and Shri Girjesh Kumar Dwivedi, learned A.G.A. for the State.

The applicant is aggrieved by the excessive sureties fixed by the learned trial court vide orders dated 05.10.2023 and 13.03.2024. The applicants were enlarged on bail by this Court dated 13.07.2023 in Criminal Misc. Bail Application No. 8846 of 2023 and order 01.03.2024 by Supreme Court in SLP (Crl) No. 14280 of 2023 (Santosh Nishad and others Vs State of Uttar Pradesh).

The perusal of the orders dated 05.10.2023 and 13.03.2024 shows that it has been passed in a mechanical manner. There is no reflection on the socioeconomic status of the applicant or independent application of mind as envisaged by 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)** 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 passed 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 onerous or arbitrary demands of sureties which are unrelated to the socioeconomic status of the applicant.

The Application U/S 482 is disposed of finally.

Order Date :- 19.3.2024

Pravin