

Court No. - 5

Case :- APPLICATION U/S 482 No. - 5784 of 2024

Applicant :- Aniket @ Chhotu Loniya

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

Counsel for Applicant :- Sunil Kumar

Hon'ble Arun Kumar Singh Deshwal,J.

1. Heard Sri Mukesh Kumar, learned counsel holding brief of Sri Sunil Kumar, learned counsel for the applicant and learned AGA for the State.

2. The present 482 Cr.P.C. application has been filed for the following relief:

"WHEREFORE, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to direct the learned Sessions Judge, District-Barabanki not to insist the petitioner to file separate surety bonds in each and every seven cases and except only two sureties in lieu of all the above mentioned seven cases, in the interest of justice."

3. Contention of learned counsel for the applicant is that applicant has been involved in seven cases which are mentioned in paragraph no.6 of the affidavit. Details whereof is mentioned as below:

"(a) Case Crime no.38/2024 U/s 457/380/411/413 IPC, Police Station-Jahangirabad, District Barabanki released on bail on 24.5.2024 Bail application no. 1621/2024 granted by Additional Session Judge VIIIth Barabanki Amount of Surety Rs. 50,000/- x 2 + Personal Bond.

(b) Case Crime no. 156/2024 U/s 380/411 IPC, Police Station Haidargarh, District Barabanki, released on bail on 10.6.2024, Bail application no.1467/2024 granted by Additional Session Judge VIII, Barabanki Amount of Surety: Rs. 50,000/- x 2 + Personal Bond.

(c) Case Crime no. 101/2024 U/s 380/411/457 1.P.C., Police Station Tikait Nagar, District Barabanki, released on bail on 6.6.2024 Bail application no.1601/2024 granted by Additional Session Judge VIII, Barabanki Amount of Surety: Rs. 50,000/- x 2 + Personal Bond.

(d) Case Crime no. 133/2024 U/s 380/411/413 I.P.C., Police Station Fatehpur, District Barabanki, released on bail on 4.6.2024, Bail application no.1657/2024 granted by Additional Session Judge VIII, Barabanki. Amount of Surety: Rs. 50,000/- x 2 + Personal Bond.

(e) Case Crime no. 91/2024 U/s 380/411/457 I.P.C., Police Station- Ram Nagar, District Barabanki, released on bail on 27.5.2024 Bail application

no. 1622/2024 granted by Additional Session Judge VIII, Barabanki Amount of Surety: Rs. 50,000/- x 2 + Personal Bond.

(f) Case Crime no. 150/2024 U/s 380/411 1.P.C., Police Station Haidergarh, District Barabanki, released on bail on 18.5.2024, Bail application no. 1537/2024 granted by Additional Session Judge VIII, Barabanki Amount of Surety: Rs. 50,000/- x 2 + Personal Bond.

(g) Case Crime no. 169/2024 U/s 457/380/411/413 I.P.C., Police Station Mohammadpur Khala, District Barabanki, released on bail on 13.6.2024. Bail application no. 1633/2024 granted by Session Judge, Barabanki Amount of Surety Rs. 50,000/- x 2 + Personal Bond."

4. Though, applicant has been enlarged on bail in all seven cases but he could not be released from jail because of his poor financial condition and he is unable to provide separate sureties in all seven cases. Therefore, he may be permitted to furnish sureties in one case which may be deemed to be valid in other six cases in view of the law laid down by the Apex Court in **Hani Nishad @ Mohammad Imran @ Vikky Vs. State of U.P.** reported in **2018 LawSuit (SC) 1637** wherein, it has been provided that sureties in one case be held good in other remaining cases.

5. However, in the present case, it is specifically mentioned that because of his poor financial condition, the applicant is unable to provide separate sureties in all the cases.

6. Considering the the observation made by the Apex Court in the case of **Hani Nishad @ Mohammad Imran @ Vikky Vs. State of U.P.** reported in **2018 LawSuit (SC) 1637** and observation made by this Court in **Shivam Gupta @ Shubham @ Lavi Vs. State of U.P.** through **Secretary Home Civil Sectt. Lko (Application u/s 482 No.466 of 2024)** as well as in **Dr. Abhishek Yadav Vs. State of U.P. (Application u/s 482 No.18948 of 2023)** and taking into account the paragraph no.7 of the affidavit, the present application is **disposed of** with a

direction that if the applicant submits two sureties and bail bond in Case Crime no.38/2024, U/s 457/380/411/413 IPC, Police Station-Jahangirabad, District Barabanki, then same shall be held good for other remaining six cases, which are mentioned hereinunder:

"(b) Case Crime no. 156/2024 U/s 380/411 IPC, Police Station Haidergarh, District Barabanki, released on bail on 10.6.2024, Bail application no.1467/2024 granted by Additional Session Judge VIII, Barabanki Amount of Surety: Rs. 50,000/- x 2 + Personal Bond.

(c) Case Crime no. 101/2024 U/s 380/411/457 1.P.C., Police Station Tikait Nagar, District Barabanki, released on bail on 6.6.2024 Bail application no.1601/2024 granted by Additional Session Judge VIII, Barabanki Amount of Surety: Rs. 50,000/- x 2 + Personal Bond.

(d) Case Crime no. 133/2024 U/s 380/411/413 I.P.C., Police Station Fatehpur, District Barabanki, released on bail on 4.6.2024, Bail application no.1657/2024 granted by Additional Session Judge VIII, Barabanki. Amount of Surety: Rs. 50,000/- x 2 + Personal Bond.

(e) Case Crime no. 91/2024 U/s 380/411/457 I.P.C., Police Station- Ram Nagar, District Barabanki, released on bail on 27.5.2024 Bail application no. 1622/2024 granted by Additional Session Judge VIII, Barabanki Amount of Surety: Rs. 50,000/-x 2 + Personal Bond.

(f) Case Crime no. 150/2024 U/s 380/411 1.P.C., Police Station Haidergarh, District Barabanki, released on bail on 18.5.2024, Bail application no. 1537/2024 granted by Additional Session Judge VIII, Barabanki Amount of Surety: Rs. 50,000/- x 2 + Personal Bond.

(g) Case Crime no. 169/2024 U/s 457/380/411/413 I.P.C., Police Station Mohammadpur Khala, District Barabanki, released on bail on 13.6.2024. Bail application no. 1633/2024 granted by Session Judge, Barabanki Amount of Surety Rs. 50,000/- x 2 + Personal Bond."

Order Date :- 27.6.2024

S.Chaurasia