

Court No. - 13

Case :- APPLICATION U/S 482 No. - 11532 of 2024

Applicant :- Lucky Siman

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

Counsel for Applicant :- Ram Sahay Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State and also perused the record.

2. This application under Section 482 Cr.P.C. has been filed by the applicant to direct the court below to give some time to the applicant for filing two sureties after his release from jail in Case Crime No.100/2024, under Sections 379/411 I.P.C., relating to P.S. Jankipuram, District - Lucknow.

3. Learned counsel for the applicant submits that applicant has been falsely implicated in the present case with the allegation of theft of a wall gate by showing false recovery merely on the basis of suspicion, however, he has no concern with the alleged crime. He further submits that owner of the alleged property has not lodged any F.I.R. for theft or attempt to theft. He also submits that offence under Section 379 I.P.C. is punishable upto three years, or fine, or both and offence under Section 411 I.P.C. is made out only when the stolen property is recovered but there is no complaint for steal of the property which was allegedly recovered from the possession of the applicant. Learned counsel for the applicant submits that applicant is in jail since 9.4.2024 and bail has already been granted by the court of learned Addl. District & Sessions Judge, Court No.10, Lucknow with a direction to furnish a personal bond of Rs.50,000/- and two sureties of equal amount. He further submits that as the applicant is unable to arrange two sureties of equal amount, he requested for reduction of amount of personal bond as well as sureties and also requested that he may be released on bail after furnishing a personal bond, thereafter, he will arrange two sureties.

4. Learned A.G.A. oppose the prayer of the applicant and submits that as per the prosecution case, applicant is in jail since 9.4.2024 and his bail application has already been allowed by the learned court below.

5. Considering the submissions of learned counsel for the parties, going through the contents of the application as well as bail order passed by the learned court below, as the bail order itself reflects that no criminal antecedent related to the applicant was placed by the Addl. District Government Advocate before the court below, as no F.I.R. was lodged by owner of the property in question, therefore, it is a fit case for reduction of amount of personal bond as well as two sureties.

6. In view of the above, the present application is **allowed** with the observation that applicant shall be released on bail after furnishing a personal bond of Rs.20,000/- and after release, he will arrange two sureties amounting of Rs.20,000/- each within a period of 30 days.

7. However, it is made clear that in case, applicant failed to arrange and furnish two sureties as ordered above, then appropriate proceeding be initiated for cancellation of bail.

Order Date :- 19.12.2024
Gaurav/-