

Court No. - 12

Case :- APPLICATION U/S 528 BNSS No. - 127 of 2024

Applicant :- Kulwant Kumar

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

Counsel for Applicant :- Pawan Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania,J.

Heard learned counsel for the applicant and learned A.G.A. for the State and perused the material on record.

The instant application under Section 482 Cr.P.C. read with Section 528 Bharatiya Nagrik Suraksha Sanhita, 2023 (in short "BNSS") has been filed by the applicant to permit him to submit two sureties and personal bond in all the cases in which he was roped in.

Learned counsel for the applicant submits that the applicant is innocent and he has falsely been implicated in six cases. He has next submitted that in all the cases registered against the applicant, he has been granted bail by the court concerned. He says that the applicant is a very poor person and not in a position to furnish huge sureties in each and every case in compliance of bail orders. It is further submitted that the details of cases registered against applicant at District - Hardoi are as under :

(i) Case Crime No. 268/2024, under Section 332 (C), 309(4), 338, 336(3), 340(2), 317 (2) B.N.S. and 3/25 Arms Act, Police Station Sursa, District-Hardoi.

(ii) Case Crime No.331/2024, under Section 305(A), 331(4) of B.N.S., P.S.- Beniganj, District - Hardoi.

(iii) Case Crime No.401/2024, under Section 305(A), 331(4) of B.N.S., P.S.- Sahabad, District - Hardoi.

(iv) Case Crime No.402/2024, under Section 305 (A), 331(4) of B.N.S., P.S.- Shahabad, District - Hardoi.

(v) Case Crime No. 403/2024, under Section 305(A), 331(4) of B.N.S., P.S.- Shahabad, District - Hardoi

(vi) Case Crime No. 235/2024, under Section 380, 457 I.P.C., P.S.- Beniganj, District - Hardoi.

Learned counsel for the applicant has relied upon the judgment of the Apex Court passed in ***Special Leave to Appeal (Criminal) No. 8914-8915 of 2018; Hani Nishad @ Mohammad Imran @ Vikky Vs. State of U.P.***

Learned A.G.A. submits that he does not want to file any counter affidavit.

Considering the observations made by the Hon'ble Apex Court in the case of ***Hani Nishad @ Mohammad Imran @ Vikky (Supra)*** and also the observations made by this Court in the case of ***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)***, the present application is ***allowed*** with a direction that in case the applicant provides two sureties and bail bond in Case Crime No. 268/2024, under Sections 332 (C), 309(4), 338, 336(3), 340(2), 317 (2) B.N.S. and 3/25 Arms Act, Police Station Sursa, District-Hardoi, then the same shall be held good in rest of the cases registered against the applicant at Districts Hardoi and the applicant shall be released on bail on that sureties.

Order Date :- 18.12.2024

ML/-