



2025:AHC:174658

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 37978 of 2025

Smt. Sita Jain

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Hemlata Kushwaha, Saima Saher
Counsel for Opposite Party(s)	:	G.A.

Court No. - 76

HON'BLE VIKRAM D. CHAUHAN, J.

1. Heard learned counsel for the applicant and learned AGA for the State.
2. The present application under Section 482 Cr.P.C. has been filed with the following prayer:-

"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to allow the application and direct the learned Court concerned to consider and accept the personal bond and one sureties in one criminal case treating the same for two criminal cases mentioned in the paragraph no. 6 of the affidavit or pass such and/or other and further order which this Hon'ble Court may deem fit and proper under the circumstances of the present case, otherwise the applicant shall suffer irreparable loss and injury."

3. Learned counsel for the applicant submits that the applicant has been enlarged on bail in the above mentioned two cases, however the applicant is not in a position to produce the separate sureties for each bail order. He submits that common sureties be accepted. He has placed reliance over the judgment of Hon'ble The Apex Court passed in the case of **Hani Nishad @ Mohammad Imran @ Vikky Vs. The State of UP, in Special Leave to Appeal (Crl.) No.8915 of 2018** passed on 29.10.2018. The operative portion of the order of Hon'ble the Apex Court is quoted herein below:

"However, by the impugned order, the High Court has modified the conditions of bail imposed by the Trial Court in the instant cases by directing the Trial Court to accept one common surety for all the cases and one surety each for the 31 cases."

Learned counsel for the petitioner submits that even though the Court has granted bail to the petitioner, the petitioner is unable to execute the bail bonds because of the onerous conditions of bail imposed particularly the condition of producing 31 sureties.

Considering the submissions, the impugned order is modified to the extent that the petitioner shall execute a personal bond for Rs. 30,000/- (Rupees Thirty thousand only) and the same bond shall hold good for all 31 cases. There shall be two sureties who shall execute the bond for Rs. 30,000/- which bond shall hold good for all the 31 cases. It is clarified that the personal bond so executed by the Petitioner and the bond so executed by the two sureties shall hold good for all the 31 cases.

With these observations, the Special Leave Petitions are disposed of. Pending applications, if any, shall stand disposed of."

4. Paragraph no.6 of the affidavit is quoted hereinbelow:

"6. That against the applicant 2 criminal cases are pending, in which she was falsely implicated and she was granted bail by the concerned Court as well as by this Hon'ble Court and same is mentioned as under:-

i. case crime no.267 2022, under section 498A, 323, 504 I.P.C. and 3/4 D.P. Act and Section 3(1)Da, 3(1) Dha, 3(2) 5A SC/ST Act, Police Station Etmadaula, District Agra.

ii. Case crime no.166 of 2023, under section 498A, 304B, 323, 504 I.P.C., Section 3/4 D.P. Act, and Section 3(2) (V) of SC/ST Act, Police Station Chhatta, District Agra."

5. In view of the judgment passed by Hon'ble the Apex Court, the trial court is directed to accept one common surety for all the two cases.

6. In view of the above, the impugned order is modified to the extent that the applicant shall execute a personal bond and the same bond shall hold good for all two cases. There shall be two sureties who shall execute the bond and shall hold good for all the two cases. It is clarified that the personal bond so executed by the applicant and the bond so executed by the two sureties shall hold good for all the two cases.

7. With the above directions, this application is disposed of finally.

(Vikram D. Chauhan,J.)

September 26, 2025

D. Tamang