2026:AHC:213011

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 43759 of 2026

Mitthanlal Alias Gabbar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Avinash Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 73

HON'BLE DR. GAUTAM CHOWDHARY, J.

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

2. The present application has been filed to direct the Trial Court/Court concerned to consider and accept the personal bond and two sureties in one criminal case treating the same for all the six criminal cases mentioned in the paragraph no.4 of the affidavit filed in support of of the instant application.

3. Learned counsel for applicant contends that applicant is unable to arrange 12 sureties. Consequently, in spite of the fact that applicant has already been released on bail in all six criminal cases pending against him, the applicant has yet not been released from jail, as applicant has failed to furnish separate surety bonds in all the cases. In the facts and circumstances of the case, it is thus urged that applicant be directed to furnish a common personal bond and common surety bonds of like amount in all the cases. He therefore contends that appropriate direction be issued to the concerned trial Court.

4. Record shows that applicant has been enlarged on bail in different case crime number by the concerned Court vide following orders:-

i. Case Crime no. 41 of 2026, Under Section 136, 137 Electricity Act & 303(2), 317(2) BNS, Police Station-Garhi Pukhta, District-Shamli.
ii. Case Crime no. 48 of 2026, Under Section 136, 137 Electricity Act & 303(2), 317(2), 324(4) BNS, Police Station-Babri, District-Shamli.
iii. Case Crime no. 135 of 2026, Under Section 136, 137 Electricity Act & 303(2), 317(2), 324(4) BNS, Police Station-Jhinjhana, District-Shamli.
iv. Case Crime no. 136 of 2026, Under Section 136, 137 Electricity Act &

303(2), 317(2) BNS, Police Station-Kandhala, District-Shamli.
v. Case Crime no. 208 of 2026, Under Section 136, 137 Electricity Act & 303(2), 317(2) BNS, Police Station-Kandhala, District-Shamli.
vi. Case Crime no. 237 of 2026, Under Section 136, 137 Electricity Act & 303(2), 317(2) BNS, Police Station-Kandhala, District-Shamli.

5. He has then referred to Sections- 483, 484, 485, 486, 487, 488, 489, 490 of B.N.S.S. (hereinafter to be referred as BNSS) and on basis thereof contents that under the scheme of BNSS (hereinafter referred to as "the BNSS") there is no mandatory requirement of furnishing separate personal bonds as well as surety bonds for seeking enlargement on bail in different case crime numbers.

6. On the aforesaid factual and legal premise, learned counsel for applicant contends that such conditions which commensurate with the facts and circumstances of present case, are liable to be imposed, so that applicant who has been granted bail in all cases pending against him is ultimately bailed out.

7. Reference has also been made to the orders passed by Supreme Court dated 29.10.2018 in Hani Nishad @ Mohammad Imran @ Vikky Vs. State of U.P. and Ramwati Awasthi & Others Vs. State of U.P. and Others. He has also referred to orders passed by this Court dated 15.03.2019 in Criminal Misc. Bail Application No.11380 of 2019, (Rizwan alias Atta Vs. State of U.P.), reported in 2019 (107) ACC 894 and 21.11.2019 in Criminal Misc. Application (under Section 482 Cr.P.C.) No.40957 of 2019, (Mobin Vs. State of U.P.), wherein Court has been modified the conditions of bail by providing that the personal bond and two sureties furnished by applicant, be accepted in all the cases pending against applicant. Photocopies of above orders have been supplied by learned counsel for applicant which are taken on record.

8. On the aforesaid factual and legal premise, it is urged that present application be allowed and two sureties furnished by applicant in one case crime number be accepted as sureties in all the cases.

9. Per contra, learned A.G.A. has opposed this application, but could not dispute the orders relied upon by learned counsel for applicant.

10. In view of above, present application succeeds and is liable to be allowed.

11. It is accordingly, provided that application shall be allowed to execute one personal bond and two sureties to the satisfaction of court concerned which shall hold in all six cases pending against present applicant.

(Dr. Gautam Chowdhary,J.)

October 8, 2026
CP.sahani

Digitally signed by :-
CHANDRA PRAKASH SAHANI
High Court of Judicature at Allahabad