

Court No. - 12

Case :- APPLICATION U/S 482 No. - 10618 of 2023

Applicant :- Vijay Singh And 2 Others

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

Counsel for Applicant :- Sanjeev Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicants 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 applicants to direct the learned court below not to insist the applicants to file separate surety bonds in each and every cases and accept only one surety in lieu of all the four cases.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in four cases, details of which are as under:

(i) Case Crime No. 1039 of 2022, under Sections 457, 380, 411, 413 I.P.C., P.S. Kotwali Sadar, District Unnao

(ii) Case Crime No. 74 of 2023, under Sections 379, 411, 413, 34 I.P.C., P.S. Kotwali Sadar, District Unnao

(iii) Case Crime No. 98 of 2023, under Sections 380, 457, 411, 413 I.P.C., P.S. Kotwali Sadar, District Unnao

(iv) Case Crime No. 511 of 2023, under Section 2/3 of U.P. Gangsters and Anti-Social Activities (Prevention) Act, P.S. Kotwali Sadar, District Unnao

4. It is submitted that the applicants have been granted bail by the court below in all the cases, but furnishing of eight sureties in four different cases is almost impracticable as the applicants are very poor person and they will not be able to arrange 8 sureties to get bail.

5. Learned counsel for the applicants also relies on the judgment of Hon'ble Supreme Court in the case of **Hani**

Nishad @ Mohammad Imran @ Vikky Vs. The State of Uttar Praesh [SLP (Crl.) No.8914-8915/2018].

6. Learned A.G.A., however, opposes the prayer of the learned counsel for the applicants and submits that it is always the discretion and satisfaction of the trial court, so far as the acceptance of the sureties is concerned.

7. Having heard learned counsel for the rival parties, it appears that the only grievance of the applicants appears to be that, despite having obtained the order of the bail in all the cases, they are not able to come out of the prison for the reason that they are unable to find separate sureties for each case and, thus, a prayer has been made that, applicants be permitted to file same sureties in all the four cases and a suitable direction in this regard be given to the court below.

8. The acceptance of the sureties and their verification is the prerogative of the trial court and the same, in any case, could not be controlled by this Court. Sufficient guidelines in this regard have already been given by the High Court on administrative side to the subordinate courts. However, as far as the grievance of the applicant, pertaining to the fact that he is not in a position to arrange separate sureties for all the four cases, is concerned, the answer to this apprehension and grievance is implicit in Section 441-A of Code of Criminal Procedure, which is reproduced as under:-

"Declaration by sureties- Every person standing surety to an accused person for his release on bail, shall make a declaration before the Court as to the number of persons to whom he has stood surety including the accused, giving therein all the relevant particulars."

9. Perusal of this Section shows that, a person, who is intending to be the surety of any accused person, is obliged to declare before the Court that apart from the person, to whom he is standing surety, for how many other accused persons, he has stood surety. Therefore, the texture of the Section 441-A of the Cr.P.C., which has been introduced by way of amendment made in the year 2006

clearly reflects that a person may stand surety for more than one accused person and in more than one case. So there appears no bar for a person to stand surety in more than one case and also for more than one accused person. However, as stated earlier, the status, verification and the competency of the surety will always be assessed by the trial court before acceptance.

10. Thus, it is directed that, if same sureties are placed before the court below and they are otherwise competent and their status and other particulars have been duly verified, the court below, in its discretion, may accept the same in all the cases mentioned hereinbefore.

11. With the aforesaid observations, the application is finally disposed of.

Order Date :- 31.10.2023
VKS