

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CrI.) NO. 430 OF 2020

RAMWATI AWASTHI & ORS.

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

O R D E R

The prayer in the present writ petition is that in 37 FIRs against the petitioners, bail has been granted subject to conditions as to bail of two sureties of a personal bond with varying amounts and two sureties of varying amounts. The petitioners knocked at the doors of this Court because, if the surety amounts are totalled, it comes to an astronomical figure.

In similar circumstance, this Court in SLP (CrI.) Nos. 8914-8915/2018 [*Hani Nishad @ Mohammad Imran @ Vikky vs. The State of Uttar Pradesh*], vide order dated 29.10.2018, held as follows:

“Heard learned counsel for the parties.

The petitioner is said to have been involved in 31 criminal cases for various offences.

The Trial Court granted bail in all the 31 cases by different orders inter alia on condition of arranging two sureties each in all the cases.

The petitioner moved the High Court under Section 482 of the Criminal Procedure Code, contending that it was impossible for the petitioner to arrange 62 sureties.

It is the case of the petitioner that the

High Court had in similar circumstances granted bail to the petitioner with two sureties of Rs. 1,00,000/- (Rupees One lakh only) in the case under Gangster Act and the same sureties were to be the sureties in all other cases as well, by an order dated 21.9.2017. The petitioner was directed to execute personal bond of Rs. 30,000/- in each case.

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."

Following this order, we state that the petitioners shall be released if they execute a personal bond for Rs.1,00,000/- (One Lakh only) each and two sureties shall execute bonds for Rs.2,00,000/- (Two Lakhs) each which will hold good in all 37 FIRs.

The Writ Petition stands disposed of.

Pending interlocutory applications, if any, also stand disposed of.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(B.R. GAVAI)

New Delhi;
August 09, 2021.

ITEM NO.4 Court 2 (Video Conferencing) SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

IA 76334/2021 in Writ Petition(s)(Criminal) No(s). 430/2020

RAMWATI AWASTHI & ORS. Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS. Respondent(s)

(FOR ADMISSION ONLY I.A NO. 76334/2020 TO BE LISTED
IA No. 76334/2021 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 09-08-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s) Mr. Kartikeya Bhargava, AOR
Mr. Swapnil Sinha, Adv.

For Respondent(s) Mr. Ankit Goel, AOR
Mr. Birendra Kumar Sinha, Adv.

Mr. V. N. Raghupathy, AOR
Mr. Md. Apzal Ansari, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The Writ Petition stands disposed of in terms of the signed order.

Pending applications, if any, also stand disposed of.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
BRANCH OFFICER

(Signed order is placed on the file)