HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 346 of 2014

 Gajju @ Sumeet Kumar, S/o Shri Mohit Ram, aged about 20 years, Resident of Village- Tikarkala, Police Station Gaurela, District Bilaspur (Chhattisgarh)

Versus

• State of Chhattisgarh, through Police Station Pendra, District Bilaspur (Chhattisgarh)

Division Bench:

Hon'ble Shri Justice Sanjay K. Agrawal & Hon'ble Shri Justice Sachin Singh Rajput

22/06/2022

Mr. Roop Ram Naik, Advocate for the appellant.

Mr. Anmol Sharma, Panel Lawyer for the respondents-State.

Heard on **IA No.03**, which is an application filed on behalf of the appellant seeking modification of the conditions in the order dated 25.09.2014, granting bail to the appellant.

The appellant was granted bail by order of this Court dated 25.09.2014 with the condition to execute bail bond of Rs.20,000/- alongwith a solvent surety in the like amount to the satisfaction of the trial Court, for his appearance before the concerned trial Court on 12.11.2014 and all such further dates as may be directed during the pendency of this appeal, but till date he has not been released on bail.

Learned counsel for the appellant submits that the appellant is poor man and is unable to comply with the conditions stipulated by this Court in order dated 25.09.2014 while granting bail to him and, therefore, he could not be released on bail, which fact has also been brought to the notice of the Secretary, High Court Legal Services Committee by the jail authorities vide letter dated 13.04.2022. He relied on the order dated 29.03.2022 passed in CRA No.1239 of 2019 (Pardeshi @ Ratiram @ Raturam and others vs. State of Chhattisgarh) wherein this Court relying on the judgments of Supreme Court in the cases of Moti Ram and others vs. State of M.P. reported in (1978) 4 SCC 47 and Hussainara Khatoon and others (I) vs. Home Secretary, State of Bihar reported in (1980) 1 SCC 81 directed the appellants therein to be released on

bail on executing only personal bond of Rs.25,000/- for the like amount to the satisfaction of the trial Court and exempted other conditions stipulated earlier while granting bail to the appellants therein. Hence, praying similar direction modification in the order dated 25.09.2014 is prayed for.

Learned State counsel has no objection. He further submits that the issue of enlarging accused/convict on his executing only personal bond has been elaborately dealt with by this Court in the case of **Bhawan Singh and others vs. State of Chhattisgarh (CRA No.1607 of 2015)**, order dated 11.05.2022, wherein this Court after considering the principle of law laid down by the Supreme Court in the cases of **Moti Ram (supra)** and **Hussainara Khatoon (supra)** in great detail coupled with other provisions of law directed the appellants therein to be released on his executing only personal bond, which direction can also be issued in the present case.

Having hearing the learned counsels of the parties, taking into consideration the facts and circumstances of the case and specially considering the fact that the appellant being poor man is unable to comply with the conditions stipulated by this Court in order dated 25.09.2014 while granting bail to him and in view of decisions of the Supreme Court in the matters of Moti Ram (supra) and Hussainara Khatoon (supra) as well as the order of this Court passed in the case of Bhawan Singh (supra), we deem it appropriate to direct that the appellant- Gajju @ Sumit Kumar be released on bail on his executing only a personal bond of Rs.20,000/- (Rupees Twenty Thousand Only) and shall appear before the Registry of this Court on 26th of September, 2022. He shall thereafter appear before the concerned trial Court on a date to be given by the Registry of this Court and shall continue to appear there on all such subsequent dates as are given to him by the said Court, interval being not less than 6 months, till the disposal of this appeal.

Accordingly, order dated 25.09.2014 is modified to the extent indicated above.

IA No.03 is allowed.

A copy of this order be communicated to the concerned jail authorities.

C.C. as per rules.

Sd/-(Sanjay K. Agrawal) Judge

Sd/-(Sachin Singh Rajput) Judge

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