

ITEM NO.3

COURT NO.1

SECTION II

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

Petition(s) for Special Leave to Appeal (Crl.) No.3314/2024

(Arising out of impugned final judgment and order dated 28-02-2024 in A482 No.46919/2023 passed by the High Court of Judicature at Allahabad)

ASHOK SANDEEP SINGH

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

(With IA No.58132/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.58133/2024-EXEMPTION FROM FILING O.T.)

Date : 15-03-2024 This petition was called on for hearing today.

CORAM :

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA**

**For Petitioner(s) Mr. Siddhartha Dave, Sr. Adv.
Mr. Prastut Dalvi, Adv.
Ms. Pallavi Sharma, AOR**

For Respondent(s)

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

- 1 The petitioner has been accused in FIR No 64 of 2023, registered at Police Station Naini, District Prayagraj for alleged offences punishable under

Sections 409, 419, 420, 467, 468, 471 and 120B of the Indian Penal Code.

- 2 By an order dated 18 October 2023, a Single Judge of the High Court of Judicature at Allahabad directed that the petitioner be released on bail subject to such conditions as may be imposed by the trial court including in regard to furnishing “heavy surety”. The Additional Chief Judicial Magistrate at Prayagraj has directed the petitioner to furnish a personal bond of Rs 10 lakhs with two sureties in the like amount.
- 3 A subsequent application under Section 440(2) of the Code of Criminal Procedure for reduction of the quantum of bail has been dismissed as not being maintainable. The High Court has dismissed the application under Section 482 CrPC for reduction of the amount of bail.
- 4 The purpose of directing an accused who has been released on bail to furnish surety is to ensure that the accused is present to answer further proceedings including at the trial. Determining the amount of surety at an unreasonably high amount effectively defeats the very purpose of the grant of bail and infringes the right to life and personal liberty of the accused protected by Article 21 of the Constitution.
- 5 The present case is a case in point. The petitioner was arrested on 2 February 2023. Despite the order of the High Court dated 18 October 2023, he continues to languish in jail for inability to furnish the surety in the amount of Rs 10 lakhs. The petitioner is a retired office clerk. Since the order of the High Court directing the trial Judge to fix a “heavy surety” is not in appeal before this Court, we are not expressing any opinion on the correctness of that direction. Be that as it may, the order of the High Court had to be construed reasonably by the trial Judge. The quantum of surety which has been fixed by the trial court effectively defeats the right to seek bail.

- 6 Based on the above determination, we are of the view that suitable directions by this Court are warranted. Having due regard to the nature of the controversy, we do not find it necessary to issue notice to the State of Uttar Pradesh.
- 7 We accordingly order and direct that the quantum of surety which has been fixed by the trial Judge in the amount of Rs 10 lakhs shall stand reduced to Rs 25,000. Likewise, the personal bond which has to be filed by the petitioner shall be in the amount of Rs 25,000/-.
- 8 The Special Leave Petition shall stand disposed of in the above terms. The orders of the trial Judge and the High Court in regard to the quantum of the bail bond and surety shall stand modified in the above terms.
- 9 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar