

SUPREME COURT OF INDIA**Bench: Chief Justice, Justices J.B. Pardiwala, Manoj Misra****Date of Decision: 15th March 2024**

SPECIAL LEAVE TO APPEAL (CrI.) NO. 3314 OF 2024

Arising from judgment dated 28-02-2024 in A482 No.46919/2023, High Court of Judicature at Allahabad

ASHOK SANDEEP SINGH ...PETITIONER**VERSUS****THE STATE OF UTTAR PRADESH ...RESPONDENT****Legislation:**

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

Section 440(2), 482 of the Code of Criminal Procedure (CrPC)

Article 21 of the Constitution of India

Subject: Petition for relief against excessive bail surety amount set by the trial court, infringing on petitioner's right under Article 21 of the Constitution.**Headnotes:**

Bail Amount Reduction – Challenging High Court's decision maintaining high surety for bail – Petitioner, a retired office clerk, unable to furnish Rs 10 lakhs surety as ordered by High Court and Additional Chief Judicial Magistrate, Prayagraj – Supreme Court finds high bail amount infringes Article 21, right to life and personal liberty – Surety reduced to Rs 25,000. [Paras 1-7]

Bail and Right to Personal Liberty – Analysis – Held – Setting unreasonably high bail amount contradicts the purpose of bail and infringes constitutional rights – Supreme Court emphasizes reasonableness in setting surety, especially considering petitioner's economic status and inability to pay high amount. [Para 4-5]

Decision – Reduction of Bail Amount – Supreme Court orders reduction of surety and personal bond from Rs 10 lakhs to Rs 25,000 – Emphasizes fair and reasonable interpretation of bail conditions in alignment with the principles of personal liberty under the Constitution. Special Leave Petition disposed with modified terms of bail and surety. [Paras 6-8]

Referred Cases: Not Mentioned

ORDER

- 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.

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