



HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1344 of 2021

- Pramod Kumar Rathiya S/o Rajaram Rathiya Aged About 21 Years R/o Village Bichpara Bhelwatar, Police Station - Kartala, At Present R/o Patelpara Rajgamar Basti, Police Chowki Rajgamar, District - Korba (C.G.) **---- Appellant**

Versus

- State Of Chhattisgarh Through Police Station Balco Nagar, Korba, District - Korba (C.G.) **-----Respondent**

27.01.2023	Ms. Pushpa Dwivedi, counsel for the Appellant. Shri Ravi Pal Maheshwari, P.L. for the State/Respondent. Heard on I.A. No.03/2022, an application praying for modification of order dated 28.09.2022 for releasing the appellant on bail by executing a personal bond only. Learned counsel for the Appellant submits that the appellant was granted bail by this Court vide order dated 28.09.2022, whereby the appellant was directed to be released on bail with the condition to execute a personal bond of Rs.25,000/- along with one surety of like sum to the satisfaction of the concerned trial Court. It is contended by him that the appellant is a poor man, and therefore, he is unable to produce local surety as directed by this Court vide order dated 28.09.2022, and therefore, he could not be released on bail and, this fact has also been brought to the notice of the Secretary, High Court Legal Services Committee by the concerned jail Authority as reflected vide letter dated 25/26.11.2022, annexed to this application. Learned counsel for the Appellant has placed her reliance upon the decision rendered by the Supreme Court in the matter of Moti Ram and others vs. State of M.P. reported in (1978) 4 SCC 47 and also placing her reliance upon the decision



rendered in the matter of Hussainara Khatoon and others (I) vs. Home Secretary, State of Bihar reported in (1980) 1 SCC 31, whereby the appellants therein were directed to be released on bail on executing a personal bond only while exempting other conditions. She, therefore, prays for a similar direction while modifying the order dated 28.09.2022.

Learned counsel appearing for the State has raised no objection based upon the principles laid down by Hon'ble the Supreme Court in the above referred matters.

Taking into consideration the facts and circumstances of the case and specially considering the fact that the appellant being poor man is unable to furnish local surety as directed by this Court vide order dated 28.09.2022, and in view of the principles laid down by the above referred matters, I deem it appropriate to direct the appellant-Pramod Kumar Rathiya to be released on bail on his executing only a personal bond of Rs.25,000/- on or before 04.04.2023 and, he shall appear before the Registry of this Court on 24.04.2023. He shall thereafter continue to appear before the concerned trial Court on such further date to be given to him by the Registry of this Court and shall continue to appear on such subsequent dates as are given to him by the said Court, till the final disposal of this appeal.

Accordingly, the order dated 28.09.2022 is modified to the extent indicated herein above.

I.A. No.03/2022, thus stands disposed of.

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

Sd/-

(Sanjay S.Agrawal)
Judge