

IA/4/25 S.C 28/25
FIR 340/24
State Vs. FAITH RACHEAL

26.12.2025

Present: Sh. A.B Asthana, Ld. Addl. PP for the State.
Sh. Maneesh Bhardwaj, Ld. counsel for
applicant/accused.

This is an application u/s 484(2) r/w Section 490
BNSS seeking reduction of surety amount and acceptance of cash
in lieu of surety bond filed on behalf of applicant/accused.

IO has filed the reply. Copy supplied.

Arguments heard.

Vide my separate order of even date, the present
application is allowed and disposed off accordingly.

Copy of the order be given *dasti* as well as be sent to
jail superintendent for supplying the same to accused in jail.

(Atul Ahlawat)
ASJ/Spl. Judge, NDPS/N Delhi
26.12.2025

**IN THE COURT OF ATUL AHLAWAT
ADDL. SESSIONS JUDGE, NDPS ACT (SPECIAL JUDGE)
NEW DELHI DISTRICT, PATIALA HOUSE COURTS,
NEW DELHI**

IA/4/25 S.C 28/25

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ORDER

1. Vide the present order, I shall dispose off the application filed by the applicant/accused u/s 484(2) of BNSS, 2023 seeking reduction of surety amount and deposit of cash in lieu of surety filed on behalf of the applicant/accused Faith Racheal.

2. It has been submitted by the Ld. Counsel for the applicant/accused that no other similar application is pending before the Hon'ble Supreme Court of India or the Hon'ble High Court of Delhi.

3. It has been submitted by the Ld. Counsel for the applicant/accused that the applicant/accused was granted regular bail by this Court vide order dated 11.12.2025. As per the conditions imposed in the said order, the applicant/accused was admitted to bail subject to furnishing bail bond in the sum of Rs. 1,00,000/- with two sureties of the like amount.

4. It has been submitted by the Ld. Counsel for the applicant/accused that applicant/accused is a foreign national and she is not able to procure the said surety and she is ready to

deposit the surety amount in view of Section 490, BNSS, 2023.

5. It is fairly submitted by the Ld. Addl. PP for the State that he has no objection if the present application is allowed, subject to the applicant/accused submitting the surety amount before this Court and furnishing a sound surety within reasonable time of her release.

6. It is trite law that the trial court has to balance and correlate the imperative of setting prisoners at liberty pursuant to the bail order and securing their fundamental rights with the demand of producing adequate sureties as an assurance of their regular attendance at the trial and as a deterrence against the possibility of them fleeing from the justice. It is equally important that the trial court should also factor the socio-economic background of the prisoner while fixing the number and amount of sureties. At times, persons belonging to extremely poor background, simply do not have the requisite social standing or financial clout to arrange multiple sureties, therefore, at times, the UTPs belonging to poor economic strata or socially marginalized segments of the society may not be set at liberty despite being enlarged on bail. The purpose of sureties is certainly dissuasive in intent, however, setting higher surety amounts and number of sureties may at time have punitive impact instead. The Hon'ble Supreme Court of India had dealt with the issue of constitutional promise of equality for all citizens and a realistic understanding of the socio-economic landscape of the country underlying the concept and

rationale of the scope of sureties in the cases of bail in “*Moti Ram and Ors. Vs. State of Madhya Pradesh*” (1978) 4 SCC 47. Furthermore, in the landmark decision of “*Hussainara Khatoon Vs. State of Bihar*” AIR 1979 SC 1360 had mandated the consideration of the roots of an accused in the community so as to advocate a moot fact based approach in tune with the social realities to serve justice as follows:

“To determine whether the accused has his roots in the community which would deter him from fleeing, the court should take into account the following factors concerning the accused,

- 1. The length of his residence in the community.*
- 2. His/her employment status, history and his financial condition,*
- 3. His family ties and relationship*
- 4. His reputation, character and monetary condition,*
- 5. His prior criminal record including any record of prior release on recognizance or on bail,*
- 6. The identity of responsible members of the community who would vouch for his reliability,*
- 7. The nature of the offence charged and the apparent probability of conviction and the likely sentence in so far as these factors are relevant to the risk of non appearance, and*

8. *Any other factors in relating the ties of the accused with the society.”*

7. While dealing with similar issues, it has been held by the Hon'ble High Court of Delhi in '*Mark Paul Obioma Vs. NCB*', bail application no. 1475/2022 and in '*Bartholomew Vs. State*', bail application no. 1424/2023 have exercised the discretion to reduce the bail bond amount. Furthermore, in '*Gilbert Apeh Emeka Vs. NCB*' bail application no. 3269/2023 has directed the petitioner therein to be released on furnishing of the personal bail amount, instead of producing the sureties, since the petitioner was a foreign national and no one was willing to give surety on his behalf and the said contention was found to be plausible.

8. This court is of the view that it is a fit case to exercise its powers u/s 484 (2) r/w 490 of BNSS, 2023 and **applicant/accused is allowed to deposit the personal bond/surety amount of Rs.1,00,000/- and she shall be released on depositing the surety amount of Rs.1,00,000/- in cash or FDR before this Court, in lieu of one surety and she shall also produce one surety in the sum of Rs. 1,00,000/-, within two weeks of her release. The acceptance of cash in lieu of surety bond is allowed only for one surety and the applicant/accused shall duly produce the second surety, within two weeks after her release.**

9. With these conditions, the present application moved under section u/s 484 (2) r/w 490 of BNSS, 2023 on behalf of **applicant/accused Faith Racheal** stands disposed of. The other conditions imposed by this Court vide order dated 11.12.2025 shall remain in force.
10. It is needless to say that nothing stated herein shall tantamount to an opinion or expression on the merits of the case.
11. Copy of this order be sent to concerned Jail Superintendent.
12. Copy of this order be given dasti to the parties.
13. Application stands disposed of accordingly.

(ATUL AHLAWAT)
ASJ NDPS Act
(Special Judge)/PHC
NDD/26.12.2025