

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPCR No. 99 of 2026****BHUPENDRA SEN *versus* STATE OF CHHATTISGARH****Order Sheet**

17/02/2026	Ms. Divya Sahu, Advocate for the Petitioner. Mr. Shashank Thakur, Addl. AG along with Mr. Priyank Rathi, GA for the State. Heard. Learned counsel for the petitioner would submit that petitioner's application for release on parole has been allowed and the petitioner has furnished two sureties from Shahdol (M.P.), however, he has not been released. She would next contend that the proper directions may be issued to the respondent authorities to release the petitioner on parole. Mr. Shashank Thakur, learned Additional Advocate General, on instructions, would submit that Chhattisgarh



	Prisoner's Leave Rules, 1989 have been amended and one of the general conditions attached in Form B provides that in every case and in all the case, it will also be mandatory for the surety to be from the state of Chhattisgarh. In reply to this learned counsel for the petitioner submits that the local surety cannot be demanded in light of the decision rendered by the Hon'ble Supreme Court in the matter of <i>Moti Ram and Others Vs. State of Madhya Pradesh</i> {(1978) 4 SCC 47} . We have heard learned counsel for the parties and perused the law laid down by the Hon'ble Supreme Court in <i>Moti Ram (supra)</i> wherein the Hon'ble Supreme Court has held thus in paras 33, 34 & 35 which are reproduced hereinbelow:- <i>33. To add insult to injury, the magistrate has demanded sureties from his own district! (We assume the allegation in the petition). What is a Malayalee, Kannadiga, Tamil or Telugu to do if arrested for alleged misappropriation or theft or criminal trespass in Bastar, Port</i>
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	<i>Blair, Pahalgam or Chandni Chowk? He cannot have sureties owning properties in these distant places. He may not know any one there and might have come in a batch or to seek a job or in a morcha. Judicial disruption of Indian unity is surest achieved by such provincial allergies. What law prescribes sureties from outside or non-regional language applications? What law prescribes the geographical discrimination implicit in asking for sureties from the court district? This tendency takes many forms, sometimes, geographic, sometimes linguistic, sometimes legalistic. Article 14 protects all Indians qua Indians, within the territory of India. Article 350 sanctions representation to any authority, including a court, for redress of grievances in any language used in the Union of India. Equality before the law implies that even a vakalat or affirmation made in any</i>
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	<i>State language according to the law in that State must be accepted everywhere in the territory of India save where a valid legislation to the contrary exists. Otherwise, an adivasi will be unfree in Free India, and likewise many other minorities. This divagation has become necessary to still the judicial beginnings, and to inhibit the process of making Indians aliens in their own homeland. Swaraj is made of united stuff.</i> <i>34. We mandate the magistrate to release the petitioner on his own bond in a sum of Rs.1,000.</i> <i>An afterward.</i> <i>35. We leave it to Parliament to consider whether in our socialist republic, with social justice as its hallmark, monetary superstition, not other relevant considerations like family ties, roots in the community, membership of stable organisations, should prevail for bail</i>
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ashu	<i>bonds to ensure that the 'bailee' does not flee justice. The best guarantee of presence in court is the reach of the law, not the money tag. A parting thought. If the indigents are not to be betrayed by the law including bail law, re-writing of many processual laws is an urgent desideratum ; and the judiciary will do well to remember that the geo-legal frontiers of the Central Codes cannot be disfigured by cartographic dissection in the name of language or province.</i> In view of above declaration of law by the Hon'ble Supreme Court, Mr. Shashank Thakur, learned Additional Advocate General seeks three days time to make submission. List it in the next week. <table><tr><td data-bbox="571 1581 874 1688">SD/- (Sanjay K. Agrawal)</td><td data-bbox="963 1581 1305 1688">SD/- (Arvind Kumar Verma)</td></tr><tr><td data-bbox="644 1733 740 1778">Judge</td><td data-bbox="1085 1733 1181 1778">Judge</td></tr></table>	SD/- (Sanjay K. Agrawal)	SD/- (Arvind Kumar Verma)	Judge	Judge
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