



Order Sheet

CRA No. 1565 of 2021Arjun Singh Ayam & Anr. **Versus** State of Chhattisgarh

DB

Hon'ble Shri Justice Sanjay K. Agrawal**Hon'ble Shri Justice Radhakishan Agrawal**

16.03.2023	Mr. Ashish Shukla, counsel for the appellants. Mr. Avinash Singh, P.L. for the State. Heard learned counsel for the parties on I.A. No. 3, which is an application filed on behalf of the appellants for releasing appellant No. 2 – Shiv Prasad Ayam on personal bond. Appellant No. 2 herein was granted bail by order dated 03/08/2022 passed by this Court with the condition to execute a personal bond of Rs. 25,000/- with one surety for the like amount to the satisfaction of the concerned trial Court, for his appearance before the Registry of this Court on 10/11/2022, but till date appellant No. 2 has not been released on bail. Learned counsel for the appellants submits that appellant No. 2 is a poor person and he is unable to comply with the conditions stipulated by this Court in order dated 03/08/2022 while granting bail to him and, therefore, he could not be released on bail and could not appear before the Registry of this Court on 10/11/2022. Hence, it is prayed that conditions stipulated in the order dated 03/08/2022 may be modified reasonably so that appellant No. 2 can be



released on bail.

Learned State counsel submits that appropriate order in this regard may be passed. He further submits that the issue of enlarging accused/convict on his executing only personal bond has been elaborately dealt with by this Court in the case of **Bhawan Singh and others vs. State of Chhattisgarh (CRA No.1607 of 2015)**, order dated 11.05.2022, wherein this Court after considering the principle of law laid down by the Supreme Court in the cases of **Moti Ram and others vs. State of M.P.** reported in **(1978) 4 SCC 47** and **Hussainara Khatoon and others (I) vs. Home Secretary, State of Bihar** reported in **(1980) 1 SCC 81** in great detail coupled with other provisions of law directed the appellant therein to be released on bail on his executing only personal bond, which direction can be issued in the present case also.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case and specially considering the fact that appellant No. 2, being poor, is unable to comply with the conditions stipulated by this Court in order dated 03/08/2022 while granting bail to him and in view of decisions of the Supreme Court in the matters of **Moti Ram (supra)** and **Hussainara Khatoon (supra)** as well as the order of this Court passed in the case of **Bhawan Singh (supra)**, we deem it appropriate to direct that appellant No. 2 – Shiv Prasad Ayam be released on bail on his executing only a personal bond of Rs. 25,000/- (Rupees Twenty Five Thousand Only) and shall appear before the Registry of this Court on 10/04/2023. He shall thereafter appear before the concerned trial Court on a date to be given by the Registry of this Court and shall continue to appear there on all such subsequent dates as are given to him by the said Court, interval being not less than 6 months,



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till the disposal of this appeal.

Accordingly, I.A. No. 3 is allowed and order dated 03/08/2022 is modified to the extent indicated above.

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

Sd/-

(Sanjay K. Agrawal)

Judge

Sd/-

(Radhakishan Agrawal)

Judge

Harneet