

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 1730 of 2019

- Narwan Korram @ Baadrai, S/o Bansiram Korram, aged about 29 years, Resident of Madam, Gram Panchayat Bade Pijondi, Police Station Amabeda, Present Address- Murnar, Gram Panchayat Chingnar, Police Station Tadoki, District U.B. Kanker (Chhattisgarh)

Versus

- State of Chhattisgarh, through Police Station Tadoki, District Uttar Bastar, Kanker (Chhattisgarh)

Division Bench:

Hon'ble Shri Justice Sanjay K. Agrawal &

Hon'ble Shri Justice Sachin Singh Rajput

23/06/2022	Mr. Dinesh Tiwari, Advocate on behalf of Mr. Azad Siddique, Advocate for the appellant. Mr. Anmol Sharma, Panel Lawyer for the respondent-State. Heard on IA No.01 of 2022, which is an application filed on behalf of the appellant seeking modification of the conditions in the order dated 29.06.2021, granting bail to the appellant. The appellant was granted bail by order of this Court dated 29.06.2021 with the condition to execute a personal bond of Rs.50,000/- with one local surety of the like amount to the satisfaction of the concerned trial Court, for his appearance before the concerned trial Court on 31.08.2021 and all such further dates as may be directed during the pendency of this appeal, but till date he has not been released on bail. Learned counsel for the appellant submits that the appellant is poor man and is unable to comply with the conditions stipulated by this Court in order dated 29.06.2021 while granting bail to him and, therefore, he could not be released on bail, which fact has also been brought to the notice of the Secretary, High Court Legal Services Committee by the jail authorities vide letter dated 13.04.2022 and further to learned counsel for the appellant by the Secretary, High Court Legal Services Committee vide letter dated 19.04.2022. Hence, it is prayed that conditions stipulated in the order dated

29.06.2021 may be modified reasonably so that appellant 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 hearing the learned counsels of the parties and taking into consideration the facts and circumstances of the case and specially considering the fact that the appellant being poor man is unable to comply with the conditions stipulated by this Court in order dated 29.06.2021 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 the appellant- Narwan Korram @ Baadrai be released on bail on his executing only a personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) and shall appear before the Registry of this Court on 26th of September, 2022. 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, till the disposal of this appeal.

Accordingly, order dated 29.06.2021 is modified to the extent indicated above.

IA No.01 of 2022 is allowed.

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

C.C. as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Sd/-
(Sachin Singh Rajput)
Judge