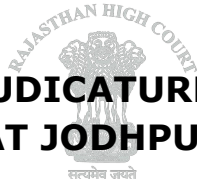


**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**



S.B. Criminal Miscellaneous Application No. 472/2026

CNR: RJHC010637612026

URN: CRLMA / 782U / 2026

Bhairu Lal S/o Late Mohan Lal, Aged About 21 Years, R/o Piparva, P.s. Singoli, Dist. Neemuch, Madhyapradesh, Presently Nanihal Chachpur, P.s. Begun, Dist. Chittorgarh,raj. (Lodged In Chittorgarh, Jail)

----Petitioner

Versus

1. State Of Raajsthan, Through Pp
2. Ganesh Bheel S/o Ram Ji, Resident Of Jahajpur Bengu District Chittorgarh

----Respondents

For Petitioner(s) : Ms. Aditi Moad

For Respondent(s) : Mr. N.S. Chandawat, Dy. GA

HON'BLE MR. JUSTICE FARJAND ALI

Order

14/07/2026

1. The present criminal miscellaneous application has been preferred on behalf of the applicant-appellant seeking modification of the order dated 16.04.2025 passed by this Court in S.B. Criminal Misc. Suspension of Sentence Application (Appeal) No. 203/2025, to the extent of relaxing the condition requiring furnishing of sureties, with a prayer that the applicant be released on personal bond only.

2. Learned counsel for the applicant-appellant submits that although this Court, vide order dated 16.04.2025 suspended the substantive sentence awarded to the applicant-appellant, the benefit of the said order has not ensured to him till date. It is

submitted that the applicant-appellant continues to remain in custody for a substantial period of more than one and half years and despite lapse of considerable time after passing of the suspension order, he has not been able to furnish the sureties as directed, owing to his indigent condition and absence of any person to stand surety on his behalf. It is further submitted that the continued incarceration of the applicant-appellant, despite suspension of sentence, renders the relief granted by this Court illusory.

3. Learned Public Prosecutor has opposed the application.

4. This Court has considered the submissions advanced at the Bar and has gone through the material available on record.

5. Presumably the applicant is not having sufficient means and no legal assistant either in society or in family otherwise he must have get released till now. Nobody in whose favor an order of release upon furnishing surety have been passed would like to remain in custody. The order regarding release of applicant was passed on 16.04.2025, now, more than one and half years have elapsed and he does not succeed to manage for a surety for him. Now, a legal question would come that whether an accused who is not able to furnish surety and who is otherwise found deserving for release would have to remain in custody for his failure.

6. In the considered opinion of this Court, once the sentence has been suspended, the conditions imposed for release must be reasonable and capable of compliance. If, on account of financial incapacity, an accused is unable to furnish sureties and continues to remain in custody for a prolonged period, the very purpose of

suspension of sentence stands frustrated. Continued incarceration in such circumstances would be unjustified.

7. Having regard to the totality of facts and circumstances of the case, particularly the prolonged custody of the applicant-appellant, the time elapsed after passing of the order dated 16.04.2025, and his inability to furnish sureties, this Court is of the opinion that the condition requiring furnishing of sureties deserves to be modified.

8. Accordingly, the present application is allowed. The order dated 16.04.2025 passed by this Court in S.B. Criminal Misc. Suspension of Sentence Application (Appeal) No. 203/2025 is modified to the extent that the requirement of furnishing sureties is waived. The applicant-appellant shall be released on bail upon furnishing a personal bond in the sum of Rs.1,00,000/- to the satisfaction of the learned trial Court, subject to all other conditions as stipulated in the order dated 16.04.2025 remaining intact.

9. It is made clear that except for the modification as above, all other conditions imposed in the order dated 16.04.2025 shall remain unaltered and shall be complied with by the applicant-appellant.

(FARJAND ALI),J