

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).2590/2009

(From the judgement and order dated 04/03/2009 in CRLMA No.  
5855/2009 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

BADAL PATHAK

Petitioner(s)

VERSUS

STATE OF U.P.

Respondent(s)

(With appln(s) for permission to place addl. documents on record and  
exemption from filing c/c of the impugned judgment and exemption from  
filing O.T. and office report)

Date: 14/05/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN  
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s) Mr. D.D. Sharma, Adv.  
Mr.Jitendra Kumar,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
ORDER

As per the office report, the petitioner has filed affidavit of  
dasti service of the show cause notice on Mr. Kamlendra Mishra,  
learned standing Counsel for the State of Uttar Pradesh. Despite  
service, no one has put in appearance on behalf of the State.

Leave granted.

The appeal is allowed and it is directed that the appellant  
shall be admitted to bail on his furnishing a personal bond in the  
sum of Rs. 15,000/- with two sureties in the like amount to the  
satisfaction of the trial Court.

[ Charanjeet Kaur ]  
Court Master

[ Vijay Dhawan ]  
Court Master

[ Signed order is placed on the file ]  
IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1057 OF 2009  
(Arising out of SLP(Crl.) No. 2590 of 2009)

Badal Pathak

.. Appellant(s)

Versus

State of U.P.

.. Respondent(s)

ORDER

As per the office report, the petitioner has filed affidavit of dasti

service of the show cause notice on Mr. Kamendra Mishra, learned standing counsel for the State of Uttar Pradesh. Despite service, no one has put in appearance on behalf of the State.

Leave granted.

We have heard learned counsel for the appellant.

A limited challenge in this appeal is to the order, dated 4th March, 2009, passed by the High Court of Judicature at Allahabad in Criminal Miscellaneous Bail Application No. 5855 of 2009, whereby the appellant has been directed to furnish a personal bond and two local heavy sureties of Rs. 5,00,000/- each to the satisfaction of the concerned Court as a condition for grant of bail to the appellant.

..2/-

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Learned counsel for the appellant submits that the said condition is onerous and being a student it may not be possible for the appellant to comply with it with the result that he will not be able to avail of the benefit of the bail order.

It appears from the impugned order that the High Court has imposed the condition of two heavy sureties for the afore-mentioned amounts keeping in view the fact that the appellant hails from Bihar. On this aspect, it is pointed out by learned counsel for the appellant that the real brother of the appellant, who is co-accused in the same case, has also been granted bail by the same High Court vide order dated 6th May, 2008, but he has been directed to furnish a personal bond of Rs. 15,000/- with two sureties of the like amount.

Bearing in mind all these facts we allow the appeal and direct that the appellant shall be admitted to bail on his furnishing a personal bond in the sum of Rs. 15,000/- with two sureties in the like amount to the satisfaction of the trial Court.

The appeal accordingly stands disposed of.

.....J.  
[ D.K. JAIN ]

.....J.

[ R.M. LODHA ]

NEW DELHI,  
MAY 14, 2009.