

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. _____ OF 2024
[arising out of SLP(Crl.) No. 8024 of 2022]

MANOJ DUBEY **APPELLANT(S)**

VERSUS

**STATE REP. BY THE INSPECTOR OF
POLICE** **RESPONDENT(S)**

O R D E R

1. Leave granted.
2. This appeal, at the instance of the petitioner before the High Court, is directed against a part of the judgment and order dated 16.03.2020 of the High Court. While allowing an application under Section 438 of the Code of Criminal Procedure, 1973 preferred by the appellant, the High Court imposed several conditions for the appellant to comply with, in order to be entitled to enjoy the benefit of the order releasing him on bail. The appellant is aggrieved by one such condition which reads as follows: -

“7. xxx xxx xxx

c. The petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No. 24 of 2019 and also deposit original title deeds of immovable property worth of Rs.25,00,000/- (Rupees Twenty Five lakhs only), to the credit of Crime No. 34 of 2019, before the concerned Magistrate, within a period of two weeks from the date on which the order copy is made ready.”

3. Having heard learned counsel appearing for the parties, we are of the view that imposition of such a condition is wholly unjustified and cannot be sustained in view of the decisions of this Court in *Ramesh Kumar vs. the State of NCT of Delhi*¹ and *Dilip Singh vs. State of Madhya Pradesh & Anr.*² and other decisions referred to therein. The High Court erred in not bearing in mind that in the context of grant of bail, all such conditions that would facilitate the appearance of the accused before the investigating officer/court, unhindered completion of investigation/trial and safety of the community assume relevance and not any condition which is onerous or unreasonable or excessive.
4. The impugned condition forming part of paragraph 7 of the impugned judgment and order, accordingly, stands set aside. The appeal is allowed.
5. The Trial Court is encouraged to expedite the trial in accordance with law.
6. Pending application(s), if any, shall stand disposed of.

.....J.
(DIPANKAR DATTA)

.....J.
(K.V. VISWANATHAN)

**NEW DELHI;
MARCH 01, 2024.**

1 (2023) 7 SCC 461

2 (2021) 2 SCC 779

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No. 8024/2022

(Arising out of impugned final judgment and order dated 16-03-2020 in CRLOP No. 4592/2020 passed by the High Court of Judicature at Madras)

MANOJ DUBEY

Petitioner(s)

VERSUS

STATE REP. BY THE INSPECTOR OF POLICE

Respondent(s)

(IA No. 113114/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 01-03-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s)

Mr. Parijat Kishore, AOR
Mr. S. Beno Bencigar, Adv.

For Respondent(s)

Mr. D. Kumanan, AOR
Mrs. Deepa. S, Adv.
Mr. Sheikh F. Kalia, Adv.
Mr. Veshal Tyagi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. In terms of the signed order, the impugned condition forming part of paragraph 7 of the impugned judgment and order stands set aside.
3. The appeal is allowed, in terms of the signed order.
4. Pending application(s), if any, shall stand disposed of.

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR
(signed order is placed on the file)