

SUPREME COURT OF INDIA

Badal Pathak

Vs.

State of U.P.

CrI.A.No.1057 of 2009

(D.K. Jain and R.M. Lodha JJ.)

14.05.2009

ORDER

1. 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.

2. Leave granted.

3. We have heard learned counsel for the appellant.

4. 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.

5. 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.

6. 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.

7. 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.