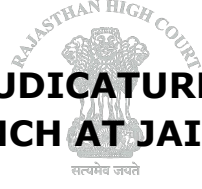




**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous Application No.217/2026

In

S.B. Criminal Misc. Bail Application No.4078/2026



Vaibhav S/o Ramavtar @ Ramu, Resident Of Chhipa Mohalla, Holi Ka Khoot, Police Station Sangod, District Kota Rural, At Present Jaykara Medical Store Ke Makaan Me Kiraye Se, Suman Vihar, Balita Road, Police Station Kunhadi, Kota City (Raj.) (At Present Accused Petitioner Confined In Central Jail Kota)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

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For Petitioner(s) : Ms. Aashima Mathur  
For Respondent(s) : Mr. Gaurav Gupta, Asstt. GA

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**JUSTICE ANOOP KUMAR DHAND**

**Order**

**27/05/2026**

1. The matter comes up on an application No. 217/2026 submitted by the applicant seeking modification of the order dated 27.03.2026, passed by this Court while deciding S.B. Criminal Misc. Bail Application No.4078/2026.

2. Learned counsel for the applicant submits that the applicant was arrested on 03.09.2025 in connection with the FIR No.212/2025, registered at the Police Station Kunadi, District Kota City for the offences punishable under Sections 331(4) and 305(a) of BNS, 2023. Learned counsel submits that thereafter charge-sheet was submitted against him before the Court concerned and thereafter the accused approached this Court by way of filing the



aforesaid Criminal Misc. Bail Application with a prayer to release him on bail, on the ground that the alleged offences are triable by Magistrate. Learned counsel submits that the aforesaid Criminal Misc. Bail Application was allowed by this Court vide order dated 27.03.2026, but an onerous condition was imposed on the applicant that he would be released on bail provided he furnishes a personal bond in the sum of Rs.50,000/- along-with two surety bonds in the sum of Rs.25,000/- each to the satisfaction of the Trial Court.

3. Learned counsel for the applicant submits that no one is ready to submit surety bonds in favour of the applicant and therefore he could not be released on bail and he is in custody since 03.09.2025. Learned counsel submits that, in the above facts and circumstances, the applicant may be released upon his furnishing personal bonds for which he is also ready. Hence, under such circumstances, appropriate directions be issued for releasing the applicant on bail by deleting the condition of furnishing two surety bonds and he may be released upon furnishing his personal bonds only.

4. Learned Public Prosecutor opposes the prayer made by learned counsel for the applicant.

5. Heard and considered the submissions made at the Bar and perused the material available on record.

6. Considering the arguments put forward by learned counsel for the applicant and looking to the fact that the applicant is in custody since 03.09.2025 and the benefit of bail has already been granted to him by this Court vide order dated 27.03.2026, but after passage of more than two months thereafter, still the





applicant has not been released on bail as he is not in a position to furnish two surety bonds in terms of the conditions put by this Court vide order dated 27.03.2026.

7. It is a settled proposition of law while granting bail to the accused, the Court can impose certain conditions, if it is not possible for the accused to comply with the same, such condition may amount to defeat the purpose of granting bail to him, which violates his rights of personal life and liberty as guaranteed under Article 21 of the Constitution of India. This view has been taken by the Hon'ble Apex Court in the case of **Central Bureau of Investigation Vs. Ashok Sirpal** while deciding **Criminal Appeal No.4277/2024** in Para 8, which reads as under:-

"8. While suspending the sentence, especially the sentence of fine, the Appellate Court can impose conditions. Whether the order of suspension of the sentence of fine should be conditional or unconditional depends on the facts of each case and especially the nature of the offence. For example, when there is a sentence of fine imposed while convicting an accused for the offence punishable under Section 138 of the Negotiable Instrument Act, 1881, depending upon the facts of the case, the Appellate Court may impose a condition of depositing the fine amount or part thereof while suspending the sentence. However, the approach of the Court may be different in case of offences punishable under the IPC and cognate legislations. Whenever a prayer is for suspension of the sentence of fine, the Appellate Court must consider whether the sentence of fine can be suspended unconditionally or subject to conditions. However, the Court has to keep in mind that if a condition of the deposit of an amount is imposed while suspending the sentence of fine, the same should not be such that it is impossible for the appellant to comply with it. Such a condition may amount to defeating his right of appeal against the order of conviction, which may also violate his rights under Article 21 of the Constitution.





8. Thus, in the considered opinion of this Court, poverty and penalty should not hinder an accused persons' right of life and personal liberty, who has been released from jail, as the Article 21 of the Constitution of India guarantees the life and liberty.

9. In the considered opinion of this Court, no accused can be kept in custody/incarceration for an indefinite period only on the sole ground that he is not in a position to arrange the sureties for his release on bail. Such condition tantamounts to violation of his rights as guaranteed under Article 21 of the Constitution of India.

10. In the facts and circumstances of the case, if the applicant, in the present matter, is not in a situation/position to arrange the sureties for his release on bail, as directed vide order dated 27.03.2026, he can be released on bail provided he furnishes only his personal bond in the sum of Rs.1,00,000/- to the satisfaction of the Trial Court along-with following other appropriate conditions:

(i) The applicant would appear before the concerned Police Station on 2<sup>nd</sup> January of every month until the conclusion of the trial.

(ii) The applicant would plant 25 shade bearing trees in his vicinity in public area. The aforesaid process would be carried over by him within a period of three weeks from today.

(iii) The applicant would submit the photographs of these shade bearing trees along-with an undertaking before the Trial Court to show that the Condition No.II imposed by this Court has been duly complied with by him and he would take care of these plants till they grow and get in proper shape and he would submit the actual photographs of trees at the end of every six months in every year till conclusion of the trial.

11. The reasons for passing this present order directing the petitioner to plant 25 shade bearing trees is in the interest of the





public at large and for the greater public good. Planting trees as directed above, is one such initiative, which this Court considers to be appropriate, as trees, for as long as they thrive whether for decades or centuries will continuously and silently offer numerous benefits to the city and the surrounding community. Future generations will benefit from a cleaner, fresh and oxygen-rich environment.

12. In case, the applicant submits the proof of compliance of above conditions, he may be released on bail, provided he furnishes a personal bond in the sum of Rs.1,00,000/- to the satisfaction of the Trial Court, as directed above.

13. With the aforesaid modification in the order dated 27.03.2026 passed by this Court, while deciding S.B. Criminal Misc. Bail Application No.4078/2026, the instant criminal misc. application stands allowed.

14. This order may be treated as part and parcel of the order dated 27.03.2026 passed by this Court.

(ANOOP KUMAR DHAND),J

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