

2023 LiveLaw (SC) 482

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
*ANIRUDDHA BOSE; J., RAJESH BINDAL; J.***

June 09, 2023

CRIMINAL APPEAL NOS. 1711-1712 OF 2023 (Arising out of SLP(Crl.) Nos. 5838-5839 of 2023)

KARANDEEP SINGH versus CBI

Bail - Condition to furnish bank guarantee for granting bail is unsustainable in law.

(Arising out of impugned final judgment and order dated 22-03-2023 in CRMBA No. 12980/2023 and 28-03-2023 in CRMBA No. 12562/2023 passed by the High Court of Judicature at Allahabad)

For Petitioner(s) Mr. Sanjay Dewan, Adv. Mr. Anish Dewan, Adv. Ms. Manjeet Chawla, AOR

For Respondent(s) Mrs. Aishwarya Bhati, A.S.G. Mr. Anukalp Jain, Adv. Mr. P V Yogeshwaran, Adv. Mr. Navanjay Mahapatra, Adv. Mr. Arvind Kumar Sharma, AOR

ORDER

Leave granted.

Heard learned counsel for the appellant and the learned Additional Solicitor General appearing for the CBI in both the appeals.

The appellant in these proceedings assails a part of the order, comprising of conditions granting him bail. One of the conditions imposed by the High Court is to the effect that the appellant is required to furnish a Bank Guarantee to the tune of Rs. two crores for being enlarged on bail. Both the orders under appeal carry identical condition. There are certain other conditions specified in the impugned order passed on 22nd March, 2023 and 28th March, 2023 but the appellant has made out no grievance as regards those conditions. The appellant's argument is that such a condition is onerous.

Learned counsel for the appellant has relied on a judgment of a Co-ordinate Bench delivered in Criminal Appeal No. 1193 of 2023 (Makhijani Pushpak Harish Vs. The State of Gujarat) in which such a pre-condition of furnishing Bank Guarantee was held to be unsustainable. In that judgment, reference was made to an earlier decision of this Court in Criminal Appeal No. 186/2023 (Subhash Chouhan Vs. Union of India) delivered on 20.01.2023. In the light of the legal position explained in the aforesaid judgment of the co-ordinate Bench, we direct that the appellant shall not be required to comply with condition (1) contained in the orders of the High Court dated 22.03.2023 and 28.03.2023. Instead of the requirement of furnishing Bank Guarantee, we direct that the appellant shall furnish a bail bond for Rs. five lakhs in each of the two orders for bail, under appeal before us. Rest of the conditions contained in the orders impugned shall remain and would have to be complied with by the appellant for being enlarged on bail. The impugned orders dated 22.03.2023 and 28.03.2023 passed in Crl. Misc. Bail Application Nos. 12980 of 2023 and 12562 of 2023 are modified to the above extent.

The appeals stand disposed of in the above terms.

All connected applications shall also stand disposed of.