

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 1988 of 2018**

- Sunil Soni S/o Shri Shyam Lal Soni Aged About 43 Years R/o Dhobhara, Police Station And Tahsil Pendra District Bilaspur Chhattisgarh (Applicant /accused), District : Bilaspur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station Pendra District Bilaspur Chhattisgarh (Non-Applicant /prosecution), District : Bilaspur, Chhattisgarh

---- Respondent

For applicant : None.

For State : Shri I. Lakra, Dy. Govt. Adv.

Hon'ble Shri Sharad Kumar Gupta, J**ORDER on Board****10-1-2019**

1. Report dated 10-12-2018 from the JMFC, Pendraroad is received.

As per the said report, in her court, the applicant did not furnish bail and bond after 10-9-2018 when the order was passed in MCRC No. 6125/2018 and before 26-9-2018 when the order was passed in this CRMP. Bail and bond have been furnished on behalf of the applicant only on 29-9-2018 thereafter the applicant has been released on bail.

2. In the matter of **Tejgir and others -v- State of MP** [1985 MPLJ 468], the Single Bench of High Court of MP observed that :

“Speculations on the part of any Magistrate that for want of crime number the Jail authorities would not release a person is out of place. It is their duty to comply with the directions and in compliance of the direction if any difficulty in fact arises, to bring it to the notice of the superior Court or remedy the same if they can do it rather than delaying the release of a person on some fanciful notion or apprehension, which can hardly be said to be reasonable. No doubt the identity of the person to be released in pursuance of an order is

to be there. But when the identity of the prisoner ordered to be released is not in dispute or doubt, as in this case, the insistence for having the 'crime number', to say the least, is wholly unjustified. Hypertechnical view in matter like bail, which directly relates to the liberty of citizen, must always be avoided."

3. The remand papers/charge sheet are kept in possession of concerned court. On going through such papers the concerned court can easily know the correct crime number, name of the accused, his father's name and other particular, etc. If some particular is wrong in the bail order of the superior court, then it is expected from that court that it will apply practical approach instead of taking technical view and on the strength of such papers it can mention the correct particular in its release order. The reason behind it is that the matter relates to liberty of a prisoner. Anyhow the concerned court is bound to issue release order after furnishing the bail and bond on behalf of the accused after its satisfaction. In other words, concerned court can neither refuse to entertain the bail and bond furnished by accused nor refuse to issue the release order, if it is satisfied. If the concerned court feels some difficulty then it can bring the matter to the notice of superior court.
4. The proceedings are dropped with above observations.

Sd/-
(**Sharad Kumar Gupta**)
Judge