

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 2436 of 2018**

- Khushiram @ Sunil S/o Rup Kumar Rajak Aged About 30 Years (Wrongly Mentioned As Ruplal In The Impugned Order Of This Honble Court), Caste Rajak, Resident Of Ward No. 10, Manendragarh, Police Station And Tahsil Manendragarh, District Korea CG

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Manendragarh, District Korea CG

---- Respondent

For applicant : None

For State : Shri Subhash Yadav, Dy. Govt. Adv.

Hon'ble Shri Sharad Kumar Gupta, J**ORDER on Board****7-1-2019**

1. Report dated 31-12-2018 from the JMFC, Manendragarh is received. As per the said report, in her court, the applicant approached through his counsel on 7-12-2018. Before 5-12-2018, no one approached the trial Court for furnishing bail bond as per bail order of this Court dated 2-11-2018. As no bail bond was produced before 5-12-2018 as well as the applicant did not have copy of bail order of prior date of 5-12-2018 to produce, in that situation, no negative or any sort of response (refusal) could be communicated.

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