

AFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 2426 of 2018**

- Ramashankar Jangde S/o Shri Ratiram Jangde Aged About 35 Years R/o Village Gujiyabor ,police Stataion Hasaud ,civil And Revenue District Janjgir Champa CG

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer ,police Station Hasaud,civil And Revenue District Janjgir Champa 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 from the CJM Janjgir is received. As per the said report counsel for the applicant had produced before him the copy of the order of the High Court, she orally pointed out that crime number is different in said order, thereafter counsel for the applicant expressed that he will proceed to rectify the crime number in said order and he did not furnish the bail and bond.

2. This Court has passed the order on 11-12-2018 that crime number mentioned in the bail order dated 12-11-2018 passed in MCRC No. 8336/2018 be read as 180/2018 in place of crime No. 108/2018. Earlier on 5-12-2018 counsel for the applicant submits that CJM had refused to accept the bail and bond without giving any written order on account of mentioning of wrong crime number.

3. From the report of CJM, Janjgir Champa it emerges that counsel for the applicant approached to it for furnishing the bail

and bond in execution of bail order passed by this Court.

4. 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.”

5. 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.

6. The proceedings are dropped with above observations.
7. Copy of this order be circulated to all the subordinate courts of the state, after due approval if necessary.

Sd/-
(Sharad Kumar Gupta)
Judge