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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 06.02.2020

+ CRL.M.C. 645/2020

KASONGO ABIMAEL Petitioner

Through: Mr. Anoop Gupta, Adv.

versus

STATE

..... Respondent

Through: Mr. Panna Lal Sharma, APP for State
with SI Krishan Pal, PS – Maidan
Garhi

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

CRL. M.A. 2693/2020

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

CRL.M.C. 645/2020

3. Present petition is filed under Section 482 Cr.P.C. against the impugned order dated 22.01.2020 passed by learned Additional Sessions Judge – 03, District South, Saket Courts, New Delhi in Misc. No. 04/2020, FIR No. 311/2019 registered at Police Station – Maidan Garhi for the

offence punishable under Section 14 of Foreigners Act 1946.

4. In impugned order, the learned Additional Sessions Judge recorded that petitioner/ accused is a foreign national, who was booked under Section 14 Foreigners Act for overstaying in India without valid visa and he was granted bail vide order dated 13.01.2020 on certain terms and conditions mentioned in the said order. If petitioner is allowed to be released on bail merely on personal bond or on deposit of cash amount in lieu of surety, there are scant chances of his being traced out or apprehended in case, he jumps bail.

5. Learned counsel appearing on behalf of the petitioner submits that he produced surety Aditya Talwar with FDR of Rs.50,000/- in his name with AADHAAR Card. However, surety was not accepted by the Court below.

6. Since sufficient conditions have already been imposed in bail order dated 13.01.2020, therefore, there is no occasion before the trial Court for not accepting the surety produced by the petitioner.

7. Learned APP, on instructions from SI Kishan Pal/ IO of the case, submits that the surety named above is staying with his mother at the given address.

8. Accordingly, the trial Court is directed to admit the petitioner on bail

on furnishing surety of the aforesaid person without further delay. The remaining terms and conditions of the bail shall remain intact.

9. The trial Court is directed to make endorsement on FDR which is to be produced by surety and intimation to the Bank authorities concerned shall be sent stating that the said FDR shall not be encashed without permission of the trial Court.

10. Petition stands disposed of accordingly.

Order *dasti* under signatures of the Court Master.

(SURESH KUMAR KAIT)
JUDGE

FEBRUARY 6, 2020

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