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

+ **BAIL APPLN. 563/2024**

IGBOANUSI RAPHAEL CHIEMELIEPetitioner

Through: Mr. Anup Kr. Das, Advocate
versus

CENTRAL BUREAU OF INVESTIGATIONRespondent

Through: Mr. Anurag Ahluwalia and Ms.
Hridyanshi Sharma, Advocates for
CBI

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **04.11.2024**

Crl.M.A. 30484/2024

1. By way of present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "BNSS") (earlier Section 482 of Code of Criminal Procedure, 1973), the applicant is seeking modification of the order dated 22nd August, 2023 to the extent that applicant be released subject to his furnishing two sureties to the amount of Rs.25,000/- instead of two sureties of Rs.1,00,000/- each.

2. Issue notice.

3. Mr. Anurag Ahluwalia, learned counsel for the CBI accepts notice.

4. Learned counsel for the applicant submits that the order dated 22nd August, 2023 was passed by the Predecessor Bench of this Court and vide the said order, the applicant was released on bail subject to his furnishing a security for the sum of Rs.1,00,000/- with two sureties of the like amount to the satisfaction of the Trial Court/Magistrate/Duty Magistrate and other terms and conditions.



5. Learned counsel for applicant submits that the applicant could not arrange the sureties as per the directions passed by this Court and prays that the surety amount be reduced to Rs.25,000/- each.

6. Learned counsel for CBI, on instructions, submits that he has no objection if the amount of surety is reduced as prayed by the learned counsel for the applicant.

7. Heard learned counsel for parties.

8. It is admitted fact that the bail order was passed in favour of the applicant, wherein, he was released on bail subject to furnishing a security for the sum of Rs. 1,00,000/- with two sureties of the like amount, however, he could not arrange the sureties of the said amount. Therefore, in the interest of justice and after taking into consideration the financial condition of the applicant as well as the fact that he cannot be kept in the jail after getting bail on merits only for non-compliance of bail condition of arranging two sureties for the amount of Rs.1,00,000/- each, this Court is inclined to allow the instant application.

9. In view of above, the order dated 22nd August, 2023 is modified to the extent that the applicant shall furnish a security for the sum of Rs.50,000/- with two sureties of the like amount each, to the satisfaction of the learned Trial Court/Magistrate/Duty Magistrate. The other terms and conditions of said order shall remain intact.

10. Accordingly, the application stands disposed of.

CHANDRA DHARI SINGH, J

NOVEMBER 4, 2024
rkk/ryp

Click here to check corrigendum, if any