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

+ **BAIL APPLN. 2843/2023**

UCHE CHUKWE KALU

.....Petitioner

Through: **Mr. Ashutosh Kaushik, Advocate**
(through VC).

versus

STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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02.08.2024

CRL.M.A. 20092/2024 (reduction of surety)

1. The present application under Section 441/445 read with Section 482 of the Cr.P.C. and Article 226 of the Constitution of India seeks the following prayer :-

“(a) Reduce the amount of surety to Rs. 20,000/- and release the applicant on furnishing personal bond only and deposit of cash of Rs.20,000/- in lieu of Surety bond to the satisfaction of jail superintendant; and/or;

(b) Pass such other and further order(s) as it may deem fit and proper in the facts and circumstances of the case in favour of the applicant and in the interest of justice.”

2. This is a second application on behalf of the present applicant with regard to the modification in the bail order dated 18.03.2024. On a previous occasion an application bearing no. Crl.M.A.12640/2024 was preferred by the present applicant which was disposed of *vide* order dated 10.05.2024 in the following manner: –

“2. Learned counsel appearing on behalf of the applicant submits that



despite order dated 18.03.2024 granting bail to the applicant, the latter could not furnish the personal bond of Rs.1,00,000/- with one surety of like amount. It is submitted that the applicant has been in judicial custody since 2015 and on account of the same he is unable to furnish any surety. It is pointed out that the wife of the present applicant in the present FIR could not furnish surety and thereafter she was permitted to deposit cash security while releasing her on bail.

3. Keeping in view the above facts and circumstances the bail order dated 18.03.2024 is modified to the extent that the applicant shall be released on bail on furnishing the personal bond of Rs.50,000/- with the cash surety of Rs.50,000/- in lieu of the surety bond to the satisfaction to the Jail Superintendent.”

3. By way of the present application, it is submitted that the present applicant has not been able to arrange a sum of Rs. 50000/-. It is further submitted that the applicant is a foreign national and on account of his incarceration from 2015 he is unable to arrange Rs. 50,000/-. It is also submitted that the wife of the applicant, who is also a co-accused in the present FIR, was granted bail against a cash surety of Rs. 15,000/-. It is thus, submitted that there is no other person who can stand surety for him, his wife, is also a co-accused, therefore she cannot stand as a surety for him.

4. Learned counsel for the applicant, on instructions, submits that he had a video conferencing with the applicant, who has informed that he has arranged a sum of Rs.20,000/- for the purpose of furnishing a cash surety.

5. Keeping in view the above facts and circumstances, the bail order dated 18.03.2024 which was modified *vide* order dated 10.05.2024 is further modified to the extent that the applicant may be released on bail on furnishing a personal bond of Rs. 20,000/- with a cash surety of the like amount to the satisfaction of the jail superintendent.

6. The application is allowed and disposed of.

7. Copy of the order be sent to the concerned Jail Superintendent for



necessary information and compliance.

8. Order be uploaded on the website of this court *forthwith*.

AMIT SHARMA, J

AUGUST 02, 2024/nk

Click here to check corrigendum, if any