



\$~69

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

+ **BAIL APPLN. 2845/2023**

KANCHAMAN YONJANApplicant

Through: Ms. Kajal Garg, Adv.
through V.C.

versus

STATE (GOVT. OF NCT OF DELHI)Respondent

Through: Mr. Satish Kumar, APP
for the State.
SI Satnarayan, ANS/SED.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **18.07.2024**

CRL.M.A. 20749/2024 (*exemption from filing duly certified copy of annexure, true typed and true typed translated copy of the annexures and scanned copy of the application*).

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.A. 20658/2024 in BAIL APPLN. 2845/2023

3. The present application is filed seeking modification in the conditions imposed by this Court while granting bail to the applicant.
4. This Court, by order dated 08.07.2024, had admitted the applicant on bail on furnishing a personal bond for a sum of ₹1,00,000/- with two sureties of the like amount. Certain other conditions were also imposed.
5. The learned counsel for the applicant submits that applicant is a foreign national and because of the fact that the applicant had been in custody for more than two years, he is not in a position to arrange two sureties.

BAIL APPLN. 2845/2023

Page 1 of 3



6. He further seeks modification to the extent that the condition that the learned Trial Court is to ensure that the certificate of assurance, from the Embassy / High Commission is placed on record, be waived.

7. The Hon'ble Apex Court, in a recent decision in the case titled as ***Frank Vitus v. Narcotics Control Bureau & Ors. : 2024 SCC OnLine SC 1657***, had taken note of the difficulty being faced by the undertrials with respect to the condition of insisting on certificate of assurance from the Embassy / High Commission, while granting bail. The Hon'ble Apex Court noted that the condition that the assurance be sought from the Embassy, is onerous and grant of such a certificate by the Embassy/High Commission is beyond the control of the accused to whom bail is granted. The Hon'ble Apex Court held that the accused, who is otherwise entitled to bail, cannot be denied bail on the ground that such a condition, which is impossible for the accused to comply with, has not been complied with.

8. Hence, the condition in Paragraph 54 is deleted.

9. The applicant is a foreign national and is in incarceration since 07.05.2022. In such circumstances, the averment that the applicant is not able to arrange two sureties for a sum of ₹1,00,000/- seems possible.

10. In view of the above, the conditions imposed by this Court in Paragraph 53 of the order dated 08.07.2024 are modified to be read as under:

“The applicant is, therefore, directed to be released on bail on furnishing a personal bond for a sum of ₹1,00,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court, on the following conditions:

a. The applicant shall join and cooperate with the investigation as and when directed by the IO;



- b. *The applicant will not leave the boundaries of Delhi without prior permission of the Court, and will deposit his passport with the learned Trial Court;*
- c. *The applicant shall provide the details of his permanent address to the learned Trial Court and intimate the Court, by way of an affidavit, as well as the IO about any change in his residential address;*
- d. *The applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;*
- e. *The applicant shall appear before the learned Trial Court on every date of hearing;*
- f. *The applicant shall, after his release, appear before the concerned IO/SHO once in every week;*
- g. *The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever”*

11. The application stands disposed of in the aforesaid terms.

AMIT MAHAJAN, J

JULY 18, 2024