

(2008) 08 DEL CK 0115
In the Delhi High Court
Case No : Criminal M.C. 2698 of 2008

Ravinder Singh Thakur

APPELLANT

Vs

State of NCT of Delhi

RESPONDENT

Date of Decision : 22-08-2008

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 440, 440(2), 482

Citation : (2008) 08 DEL CK 0115

Hon'ble Judges : Manmohan, J

Bench : Single Bench

Advocate : Manu Sharma and A. Aggarwal, for the Appellant; R.N. Vats, APP, for the Respondent

Final Decision : Allowed

Judgement

Manmohan, J.—This is a petition u/s 440(2) read with Section 482 Cr.P.C. for reduction of surety amount of Rs. 50 lacs as stipulated in the order dated 5th August, 2008 whereby the Petitioner has been directed to furnish two sureties of a sum of Rs. 50 lacs.

2. Section 440 reads as follows:

440. Amount of bond and reduction thereof.- (1) The amount of every bond executed under this chapter shall be fixed with due regard to the circumstances of the case and shall not be excessive.

(2) The High Court or Court of Session may direct that the bail required by a police officer or Magistrate be reduced.

3. I have heard learned Counsel for the Petitioner, the Bank as well as the State. I am of the view that the surety asked to be furnished by the Trial Court is rather excessive.

4. Considering the facts and circumstances of the case, I direct that the Petitioner be released on bail subject to his furnishing a bail bond in the sum of

Rs. 2,00,000/- (two lacs) with two sureties of the like amount to the satisfaction of the concerned court. However, the Petitioner shall surrender his passport to the Investigating Officer, against receipt. The learned Counsel for the Petitioner says that, in fact, Petitioner's passport is already in the possession of the Investigating Officer. If that is so, then the IO shall retain the passport during the pendency of proceedings before the trial court.

5. With these observations, the present petition is allowed. Order dasti.