

**THE HIGH COURT OF MADHYA PRADESH**  
**MCRC 39467/2018**  
**Sateele @ Ramnivas vs. State of MP**

**Gwalior, dtd. 29/09/2018**

Shri Pradip Katare, counsel for the applicant.

Shri Girdhari Singh Chauhan, Public Prosecutor for the respondent/State.

This application under Section 482 of CrPC has been filed for relaxing the condition imposed by this Court by order dated 25/09/2018 passed in MCRC 37056/2018.

The undisputed facts in short are that the applicant was initially granted bail by this Court but he absented himself before the trial Court for more than three years, as a result of which the trial was thwarted and could not proceed. Thereafter, the applicant, with great difficulties, could be arrested on 31/08/2018. The only reason assigned by the applicant for his non-appearance was that he had forgotten the date of appearance, therefore, he did not appear before the trial Court. While deciding the bail application by order dated 25/09/2018, this Court had specifically held that the reason assigned by the applicant for his non-appearance cannot be accepted. However, taking a lenient view in the matter and at the same time considering that without reasonable reason the applicant remained absconding for more than three years, this Court although granted bail to the applicant but considering his previous conduct has imposed the conditions which may discourage the applicant in future to abscond or not to appear before the trial Court.

It is submitted by the counsel for the applicant that instead of cash surety he may directed to furnish bail bond and surety bond.

Considered the submissions made by the counsel for the applicant.

Initially, the applicant was released on bail on furnishing bail bond and surety bond but the applicant did not respect the bail bond/personal bond as well as surety bond. In such a situation, the surety would become liable to keep the applicant present before the trial Court or in case of his failure, he becomes liable to pay the amount of surety bond. Thus, if the surety comes to rescue a person by standing as a surety and at the same time, because of conduct of an accused if he is made to suffer, then time has come, when the accused must realize that in case if he is released on bail and there is any personal bond as well as surety bond, then it is his primary duty to respect those bonds. Unfortunately, the applicant without any reason did not honour the surety bond as well as the personal bond and under these circumstances, this Court was of the considered opinion that now the applicant could not be released on bail on furnishing surety bond. Under these circumstances, looking to the conduct of the applicant, this Court has deliberately imposed the conditions of depositing Rs.1,50,000/- by way of cash surety. This Court is conscious of the fact that the bail order must not contain harsh conditions which may amount to denial of bail. In the present case, prima facie, this Court had already come to a conclusion that the applicant is not entitled for bail because he has failed to give any plausible reason for his absence before the trial Court for a period of more than three years. Therefore, it cannot be said that this Court had found that the applicant is entitled for bail, however, adopting a humanitarian ground one more opportunity was granted to the applicant to improve himself. Under these circumstances, the Court was well within its right to impose

condition of furnishing a cash surety of Rs.1,50,000/-.

Considering the submissions as well as the previous conduct of the applicant, this Court is of the considered view that no case is made out for modification of order dated 25/09/2018 passed in MCRC 37056/2018.

The application fails and is hereby **rejected**.

**(G. S. Ahluwalia)**  
**Judge**