



ITEM NO.12

COURT NO.5

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 3363/2024

(Arising out of impugned judgment and order dated 15-06-2022 in CRLA No. 89/2021 passed by the High Court of Judicature at Bombay)

RAMCHANDRA THANGAPPAN AACHARI

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

(IA No. 208763/2024 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 18-09-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Ms. Neha Rathi, Adv.
Mr. Pranav Sachdeva, AOR
Mr. Jatin Bhardwaj, Adv.
Mr. Abhay Nair, Adv.
Ms. Kajal Giri, Adv.
Mr. Kamal Kishore, Adv.

For Respondent(s) Mr. Abhikalp Pratap Singh, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Ms. Aagam Kaur, Adv.
Mr. Aditya Krishna, Adv.
Ms. Preet S. Phanse, Adv.
Ms. Yamini Singh, Adv.
Mr. Adarsh Dubey, Adv.
Mr. Kartikey, Adv.

UPON hearing the counsel the Court made the following
O R D E R

I.A. No. 208763/2024

Heard Ms. Neha Rathi, learned counsel for the
applicant/petitioner. The State of Maharashtra is represented by

Mr. Abhikalp Pratap Singh.

2. The petitioner was convicted and notice only on the question of sentence, on his petition challenging the High Court's order was issued by this Court on 04.03.2024. Thereafter, on 03.05.2024, when it was pointed out that the petitioner has been in custody for nearly five years out of the sentence of ten years imposed upon him, bail was granted to the petitioner on terms and conditions to be imposed by the learned Trial Court.

3. The learned counsel submits that although, bail order was passed as far back as on 03.05.2024, the petitioner continues to languish in the Kolhapur Central Prison. The reason for not getting the benefit of the bail order is because the accused/petitioner was unable to furnish local surety.

4. The justice delivery mechanism cannot be oblivious of the plight of the indigent convicts who are unable to provide local surety. For their incapacity to meet the bail terms, the applicant continues to languish in jail notwithstanding the bail order passed in his favour as far back as on 03.05.2024.

5. in the context of the 10 year sentence imposed on the applicant, Ms. Rathi would refer to the custody certificate (dated 09.11.2023) of the senior jailer of the Kolhapur Central Prison to point out that as on today, the petitioner has been in actual custody for seven years and one month.

6. It would be a travesty of justice if the petitioner is unable to secure the benefit of bail order for his inability to furnish local surety. This will infringe the rights guaranteed under Article 21 of the Constitution for the person, who continues to be

detained despite a bail order in his favour.

7. Having considered the circumstances here, we deem it appropriate to say that the petitioner be released on bail on his personal bond without insisting on local surety, to ensure compliance with this Court's bail order dated 03.05.2024. It is ordered accordingly.

8. With the above order, I.A. No.208763/2024 stands disposed of.

(GEETA JOSHI)
SENIOR PERSONAL ASSISTANT

(KAMLESH RAWAT)
ASSISTANT REGISTRAR