

## The High Court Of Madhya Pradesh

MCRC-13259-2020

(FAHAD AHMED AND OTHERS Vs THE STATE OF MADHYA PRADESH)

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**Jabalpur, Dated : 12-05-2020**

(Through Video Conferencing)

Shri Ankit Saxena, counsel for the applicants.

Shri Jagat Singh, P.L for respondent/State.

With the consent, finally heard.

Learned counsel for the applicants by taking this court to the judgment of Supreme Court reported in *AIR 1978 SC 1594 (Moti Ram and others Vs. State of M.P.)* and recent judgment of Kerala High Court in Cri.M.C.No.TMP 5/2020 (*Chinna Rao Swayamvarappu Vs. State of Kerala and others*) urged that condition No.1 of bail order dated 30.04.2020 directing the applicants to deposit Rs.25,000/- each in P.M. Care Fund runs contrary to the order of Supreme Court and Kerala High Court. In absence of any enabling provision, the court below was not justified in directing such deposit before the P.M.Care Fund.

Shri Jagat Singh, P.L. did not raise any objection.

I have heard the parties at length and perused the record.

It is apposite to mention the relevant portion of the judgment of Kerala High Court in *Chinna Rao Swayamvarappu (Supra)* which reads as under :-

"7. The learned Sessions Judge while granting bail has directed the petitioner to deposit an amount of Rs 25,000/- towards the Corona Relief Fund.

8. This Court by its order in Crl M.C 3830/2012, relying on the decision of the Hon'ble Supreme Court in *Moti Ram v. State of Madhya Pradesh (AIR 1978 SC 1594)* has held that the imposition of cash security or deposit of any amount for grant of bail is unjust, irregular and improper.

9. In view of the above categorical declaration of law, I find that Condition No.2 imposed by the learned Sessions Judge, that the petitioner should deposit an amount of Rs 25,000/- towards the Corona Relief Fund is improper and unjust. Hence, I quash the said condition. Nevertheless, the petitioner shall comply with all the other conditions contained in the impugned order."

I am in respectful agreement with the view taken by the Kerala High Court.

Considering the aforesaid, the impugned order dated 30.4.2020, to the extent of condition No.1, is hereby set aside. M.Cr.C. is **allowed**.

(SUJOY PAUL)  
JUDGE

MKL

