



2026:DHC:6240



\$~

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

%

*Judgment reserved on: 07.07.2026**Judgment pronounced on: 03.08.2026**Judgment uploaded on: 03.08.2026*+ **BAIL APPLN. 1860/2025**

KARAN @ DEEPAK KUMAR @ DEEPUPetitioner

Through: Mr. Gautam Khazanchi and
Ms. Aditi Kukreja (DHCLSC)

versus

THE STATE (GOVT. OF NCT) OF DELHIRespondent

Through: Mr. Naresh Kumar Chahar,
APP for the State**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J****CRL.M.A. 13379/2026 (modification of order dated 17.07.2025)**

1. The present application has been filed seeking modification of the bail conditions imposed by this Court *vide* order dated 17.07.2025. The applicant prays that he be permitted to be released either on furnishing a personal bond without any surety or, in the alternative, on furnishing a cash surety of ₹10,000/- to the satisfaction of the Jail Superintendent.

2. The learned counsel appearing for the applicant submits that although the applicant was granted regular bail by this Court on



2026:DHC:6240



17.07.2025, he continues to remain in judicial custody as he has been unable to furnish a surety. It is stated that while granting bail, this Court had directed the applicant to furnish a personal bond in the sum of ₹10,000/- along with one surety of the like amount. Since the applicant was unable to arrange a surety, he had earlier moved an application seeking permission to furnish a cash surety of ₹5,000/- to the satisfaction of the Jail Superintendent. The said application was disposed of *vide* order dated 02.02.2026 after the learned counsel for the applicant had submitted that a friend of the applicant had agreed to stand as his surety. It is stated that the said friend has now backed out and is no longer willing to stand as surety. Consequently, despite the grant of bail, the applicant continues to remain in judicial custody.

3. The learned counsel further submits that the applicant has remained in custody for more than six years. It is argued that he belongs to an economically weaker section of society, has no financial resources, is estranged from his family members, and, on account of his prolonged incarceration, has been unable to arrange a surety. It is, therefore, prayed that the bail conditions be modified by permitting the applicant to furnish only a personal bond or, alternatively, a cash surety of ₹10,000/-.

4. The learned APP appearing for the State opposes the present application. He argues that the applicant is facing trial for the offence punishable under Section 302 of the IPC, which is of a serious nature. It is further argued that the applicant himself claims to be a vagabond



2026:DHC:6240



and has no permanent place of residence. In such circumstances, if he is released without a sound surety, there is a likelihood of his absconding, and it may become difficult to secure his presence during trial.

5. This Court has **heard** the learned counsels appearing for either side and has perused the material placed on record.

6. While granting bail to the applicant *vide* order dated 17.07.2025, this Court had, *inter alia*, observed as under:

"6. ...The argument that the accused is a vagabond, and therefore, his presence will be difficult to procure during trial does not find favour with this Court at this stage, since the learned Trial Court, while accepting the surety, will ensure that the address of the accused and the surety is verified through the SHO concerned before the bail bonds are accepted."

7. In the present case, it is not disputed that the applicant himself states that he is a vagabond and has no permanent address. In a case involving an offence under Section 302 of the IPC, securing the presence of the accused during trial is one of the primary concerns for a court of law and the State. In this Court's view, if the applicant is allowed to be released without him furnishing a surety and he thereafter fails to appear before the learned Trial Court, it would seriously prejudice the conduct of the trial.

8. Therefore, this Court does not find any merit in the prayer seeking release of the applicant solely on furnishing a cash surety or a personal bond without surety. However, considering the financial constraints pleaded by the applicant, this Court is inclined to reduce



2026:DHC:6240



the amount of the surety from ₹10,000/- to ₹5,000/-.

9. It is also clarified that there shall be no insistence on the surety being a local resident or a family member of the applicant.

10. Accordingly, the bail condition imposed *vide* order dated 17.07.2025 stands modified to the extent that the applicant shall furnish one surety in the sum of ₹5,000/- instead of ₹10,000/-. All other conditions imposed in the said order shall remain unchanged.

11. The present application stands disposed of accordingly.

12. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

AUGUST 03, 2026/ns

T.D.