

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.173 OF 2015
IN
CRIMINAL APPEAL NO.231 OF 2014

Abhnis @ Lalla Satish Gupta		Applicant
V/s.		
State of Maharashtra		Respondent

Mrs. Rupali Shinde, Appointed Advocate, for
the Applicant.

Mrs. G.P. Mulekar, A.P.P., for the
Respondent/State.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 7TH AUGUST, 2015.

P.C. :

1. This application is preferred by Appellant No.3 Abhnis @ Lalla Satish Gupta from the Nashik Road Central Jail by submitting that he has been convicted for the offence punishable under Section 307 of the IPC and as per order passed by this Court on 11th July, 2014, he is directed to be released on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount. It is submitted by him in the application itself that as he is in Jail, he could not furnish the solvent surety and, therefore, still continues to remain in Jail. He has, therefore, requested that he may be permitted to furnish cash security instead of the solvent surety.

2. On his behalf, learned Appointed Advocate Mrs. Rupali Shinde has submitted that the other two Appellants have been released on bail and, therefore, it is not possible otherwise also to expedite hearing of this Appeal, even though the alternate prayer made by the Applicant/Appellant No.3 is of expediting hearing of the Appeal.

3. Learned A.P.P. has opposed the application on the ground that the Applicant/Appellant No.3 may abscond, if local solvent surety is not furnished.

4. However, considering the fact that though the order of furnishing the P.R. Bond of Rs.15,000/- with one or two sureties in the like amount, while directing his release on bail, is passed on 11th July, 2014, i.e. more than one year back, and since then the Applicant is unable to furnish the solvent surety and having regard to the fact that his Appeal is not likely to be heard immediately even if expedited and during pendency of the case in the Trial Court, he was on bail, his request for releasing him on cash security deserves to be considered and accepted.

5. Hence, it is directed that in case of the Applicant being unable to furnish the solvent surety, he may be released on furnishing P.R. Bond of Rs.15,000/- with cash security of the same amount, subject to further condition that during the pendency of the Appeal, Applicant to attend Antop Hill Police Station once in a month on every Monday in between 8 am to 9 am. The other conditions in the earlier bail order are maintained.

6. This order be communicated to the Applicant/Appellant No.3 through the Superintendent of Nashik Road Central Jail.

[DR. SHALINI PHANSALKAR-JOSHI, J.]