

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE – CRIMINAL
APPLICATION NO.95 OF 2015
IN
BAIL APPLICATION NO.91 OF 2015

Umesh Kumar Baveja
& Anr. Applicants
Vs.
State of Maharashtra Respondent

WITH

APPLICATION NO.189 OF 2015
IN
APPLICATION NO.95 OF 2015

Harsh Satpal Malhotra Intervener
In the matter between
Umesh Kumar Baveja
& Anr. Applicants
Vs.
State of Maharashtra Respondent

Mr. Ramesh Siroya for the Applicants.
Ms A.T. Javeri, APP, for the Respondent-
State.
Mr. Harsh Satpal Malhotra, the Intervener/
original complainant, in-person, present.

CORAM: REVATI MOHITE DERE, J.

DATED: MARCH 19, 2015

P.C:

1. Heard learned counsel for the applicant, the learned APP for the State and the intervener/original complainant, in-person.

2. By this application, the applicants seek their release on cash bail of Rs.2,00,000/- provisionally to enable them to furnish sureties, as directed by the trial Court, within a time frame.

3. The applicants were arrested in connection with C.R. No.89 of 2014, registered with the B.K.C. Police Station, Mumbai for the alleged offences punishable under Sections 409, 420, 465, 468, 477A and 120B of the IPC r/w Section 66A and 66D of the Information

Technology Act, 2000. The FIR was lodged on 13-5-2014 and the applicants came to be arrested in the said crime on 22-9-2014. The applicants were enlarged on bail on 21-1-2015 by the learned Sessions Judge. While enlarging the applicants on bail, the applicants were directed to be released on bail on their furnishing P.R. Bonds of Rs.2,00,000/- each with local solvent surety of the like amount on certain conditions which have been enumerated in the said order from (a) to (f). Vide Clause 3 of the said order, the prayer of the applicants for cash bail was rejected.

4. Being aggrieved by the said order, the applicants have approached this Court with a prayer seeking modification of the said condition and have prayed that the applicants be released on cash bail, till such time they are able to furnish sureties. In the

interregnum, the applicants had again filed an application before the learned Sessions Judge seeking modification of the order dated 21-1-2015, granting bail and prayed therein, that instead of furnishing local solvent sureties, the applicants be permitted to furnish solvent sureties from the place of residence of the applicants. The same was allowed by the learned Sessions Judge vide order dated 9-2-2015.

5. The learned counsel for the applicants states that till date although they had made attempts to furnish sureties from their State, the same were not accepted by the learned Magistrate. He submits that the applicants have been languishing in the jail since 2014.

6. Considering the peculiar facts of the case, and in particular, the fact that the

applicants are in custody since September 2014, and have continued to be in custody despite being enlarged on bail, for being unable to furnish sureties as directed by the learned Sessions Judge vide orders dated 21-1-2015 and 9-2-2015, the applicants are directed to be released on cash bail of Rs.2,00,000/- each for a period of six weeks to enable them to furnish solvent sureties as directed within the said period. The learned counsel for the applicants has made a categorical statement that the applicants will not seek any extension and will ensure that solvent sureties are provided within six weeks to the satisfaction of the learned Magistrate. Only in view of the said statement, by way of indulgence, the application is allowed.

ORDER

(i) The applicants shall be released on cash bail of Rs.2,00,000/- each for a period of

six weeks.

(ii) The applicants shall furnish sureties within a period of six weeks from their release, to the satisfaction of the trial Court, as directed by the learned Sessions Judge vide order dated 21-1-2015, which was subsequently modified on 9-2-2015.

(iii) Rest of the conditions imposed by the learned Sessions Judge vide order dated 21-1-2015, whilst granting bail to the applicants will continue.

(iv) No further extension will be sought or granted. It is made clear, that if the applicants fail to furnish sureties, the law will take its own course i.e. the applicants will be taken into custody.

7. The application is accordingly disposed of.

8. In view of the above, the intervention application does not survive and accordingly stands disposed of.

9. All parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)