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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.169 OF 2015

Gaurishankar Shambhuprasad Gaud	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.Narendrakumar R. Sharma, for the Applicant.

Mr.S.H.Yadav, APP for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.
DATED : 27th MARCH, 2015.

PC.

1. Heard the learned counsel for the Applicant and the learned APP for the Respondent – State.
2. By this application, the Applicant seeks modification/relaxation of the condition granting bail and seeks reduction of the amount of surety.
3. Learned Counsel for the applicant submitted that vide order dated 26th December, 2014, the applicant was released on bail on executing P.B. and S.B. of Rs.35,000/- (Thirty Five Thousand Only) along with other conditions. He submitted that being aggrieved by the aforesaid condition

directing release of the applicant on P.B. and S.B. of Rs.35,000/-, an application being Miscellaneous Application No.576 of 2015 was preferred before the Sessions Judge and the learned Sessions Judge has observed that despite all efforts the applicant could not arrange for a surety of Rs.35,000/- and hence modified the amount by reducing the surety amount to Rs.30,000/- from Rs.35,000/-.

4. Learned Counsel for the applicant submitted that the applicant is a poor person and despite being enlarged on bail vide order dated 26th December, 2014, by the Metropolitan Magistrate, 65th Court, Andheri, Mumbai, in connection with C.R. No.37 of 2014, for the alleged offence punishable under Section 379, the applicant has not been able to furnish the aforesaid bail amount.

5. Considering the fact that despite being granted bail in December, 2014 and despite reduction of bail amount from Rs.35,000/- to Rs.30,000/-, the applicant has not been able to furnish the bail amount. Hence, the condition imposed by learned Metropolitan Magistrate, 65th Court, Andheri, Mumbai, vide order dated 26th December, 2014 which is “The accused be released on bail on execution of P.B. & S.B. of Rs.35,000/-

(Thirty Five Thousand Only) is modified/relaxed to the extent that the applicant shall now be released on bail on executing PR.Bond of Rs.10,000/- (Ten Thousand Only). The rest of the conditions imposed vide order dated 26th December, 2014, shall remain the same.

6. The application is allowed to the extent aforesaid and is accordingly disposed of.

7. Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)