

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

APPLICATION NO.315 OF 2015

Mohammad Rafique Mehruddin

Shaikh @ Bihari

..Applicant

-Versus-

State of Maharashtra

..Respondent

Mr. Vinod S. Gupta for applicant

Ms. P.P.Shinde, APP for State

CORAM : A.S.GADKARI, J.

DATE : 21st November 2015.

P.C.

1] This is an application for modification of the order dated 14th March 2012 passed by the learned Additional Sessions Judge, Kalyan in Sessions Case No.235 of 2011 arising out of C.R.No.I-124 of 2011 registered with Thane Lohmarg Police Station.

2] Learned Counsel for the applicant submitted that though the applicant was granted bail on 14th March 2012, due to onerous conditions he is unable to avail the bail. It is submitted that the bail amount as granted by the trial court of Rs.75,000/- is too much and

for the last more than three years the applicant is unable to get surety for the said amount. The learned Counsel also brought to my notice the order dated 4th October 2013 passed by the learned Single Judge of this Court in Criminal Application No.483 of 2013 whereby the condition with respect to co-accused was modified and he was directed to be released on bail on furnishing P.R.Bond of Rs.25,000/- with one or two sureties in the like amount.

3] In view of the above, the present applicant is also entitled to have the order granting bail dated 14th March 2012 passed by the learned trial court, modified to the same extent. Hence, the following order:-

- (i) The application is allowed;
- (ii) The applicant be released on bail on his furnishing P.R.Bond of Rs.25,000/- with one or two local sureties in the like amount;
- (iii) The applicant shall report to Thane Railway Police Station on every Sunday between 10.00 a.m. and 12.00 noon till the conclusion of the trial'

(iv) The applicant shall furnish the telephone number for the purpose of communication and his residential address to the concerned police station within one week after he is released on bail;

(A.S.GADKARI, J)