

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 417 OF 2015

1) Mohd. Ishtekar Nurulhaq Shaikh
2) Baitullah Abdulla Shaikh

.....Applicants

V/s.

The State of Maharashtra

....Respondent

Mr. Akram Kapoor for Applicants
Ms. Rutuja Ambekar APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : 16th JULY 2015

PC :

Heard. Applicants herein are seeking modification of order dated 08/07/2015 passed by Sessions Judge, Court room no. 16., Greater Bombay. Applicants herein are being prosecuted for offence punishable under section 370 (1) r/w 34 of Indian Penal Code and section 3 & 14 of Child Labour (Prohibition and Regulation) Act, 1986 and section 23 & 26 of Juvenile Justice Care and Protection Act.

2) By an order dated 29/06/2015, learned Sessions Judge has been pleased to enlarge the applicants on bail on executing personal bond of Rs. 1,00,000/-

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each with one solvent surety each of like amount on certain conditions. Applicants could not be enlarged on bail as they could not furnish personal bond in the sum of Rs. 1,00,000/- and therefore, had filed an application seeking modification. By an order dated 08/07/2015, learned Sessions Judge has modified the order to the extent that applicant shall furnish two sureties of Rs. 20,000/- out of which one surety should be local surety and deposit cash surety of Rs. 60,000/- each.

3) Learned counsel for the applicants submits that this is an exorbitant order and that grant of bail in favour of applicants would be in futility. Applicants therefore, seeks modification of the order. Order is modified as follows.

ORDER

- (i) Application is allowed.
- (ii) Applicants be enlarged on bail on furnishing P. R. bond in the sum of Rs. 50,000/- each with one local surety and one or more solvent sureties in the like amount.
- (iii) Applicants shall be released on cash bail for a period of 4 weeks within which time, applicants shall furnish local solvent sureties.

- (iv) Rest of the conditions imposed by learned Sessions Judge vide order dated 29/06/2015 are upheld.
- (v) Application stands disposed of.
- (vi) Parties to act on authenticated copy of this order.

(SMT. SADHANA S. JADHAV, J.)