

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 875 OF 2015
IN
CRIMINAL APPLICATION NO. 977 OF 2014
IN
CRIMINAL APPEAL NO. 604 OF 2014

Iona Furtado	...	Applicant
vs.		(Orig. accused No.1)
The State of Maharashtra	...	Respondent

Mr. Aniket Vagal, Advocate, for the applicant.
Mr. Y.M.Nakhwa for CBI.
Ms. A.A.Mane, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 3rd September, 2015.

P.C.

This is an application seeking modification of the order dated 22.9.2014.

2. This Court by an order dated 22.9.2014, had allowed the application under Section 389 of Cr.P.C. and had directed that the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two solvent sureties in the like amount. This Court had made it clear that the sentence of fine has not been suspended and that the applicant should be enlarged on bail only upon depositing the fine amount. It is a

matter of record that despite the order dated 22.9.2014, the applicant continues to remain in custody. The applicant had filed an application seeking modification of the conditions.

3. By an order dated 20.4.2015, this Court (Coram: Abhay M.Thipsay, J.) had passed an order to the effect that upon depositing the sum of Rs.2 lakhs in this Court, the sentence of fine imposed upon the applicant would remain suspended for a period of four weeks from the date of such deposit. It was also made clear that the applicant shall surrender to the custody after the expiry of the aforesaid period of four weeks unless the fine amount would be paid in the meantime, or the applicant, by remaining present before this Court offers to pay entire amount of fine immediately after four weeks.

4. The learned counsel for the applicant submits that the applicant herein was taken into custody on 14.7.2014 by the Special Judge, CBI, Greater Mumbai in view of her conviction for the offence punishable under Section 409 of IPC and the sentence of five years. The learned counsel seeks modification of the order as far as the bail amount is concerned. The order needs to be modified in the interest of justice.

ORDER

- (i) The application is allowed.
- (ii) Clause (ii) of the operative order dated 22.9.2014 stands modified as follows :-

The substantive sentence imposed upon the applicant is hereby suspended.

- (iii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.
- (iv) The applicant be enlarged on cash bail of Rs.25,000/- and that she shall furnish P.R. Bond in the like amount within six weeks from the date of her release.
- (v) It is made clear that the conditions imposed in para 6 of the said operative order as well as clause (c) of the operative order dated 20.4.2015 have not been interfered with and have been maintained.

Application is disposed of.

- 5. Parties to act on the authenticated copy of this Order.

(SMT.SADHANA S.JADHAV, J.)