

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
APPLICATION NO.880 OF 2015

Sunil Kumar Naveenchandra Kahar ..Applicant
-Versus-
State of Maharashtra ..Respondent

Ms.Gulestan Dubhash i/b Rahul Shelke for applicant
Mr.S.K.Shinde with Y.M.Nakhwa for respondent No.2
Ms. M.H.Mhatre, APP for State.

CORAM : A.S.GADKARI, J.
DATE : 5th December 2015.

P.C.

- 1] This is an application for modification of the order dated 13th August 2015 passed by this Court in A.B.A.1031 of 2015.
- 2] By an order dated 13th August 2015, this Court directed that the application be enlarged on bail on his furnishing P.R.bond of Rs. 1 lakhs with one or two local sureties from Mumbai and Thane in the like amount. The said condition was imposed after taking into consideration the nature and gravity of the offences. Learned Counsel for the applicant submitted that though the order is passed on 13th August 2015 till today the applicant is unable to get any surety from Mumbai and/or Thane. She also drew my attention to the orders passed in the case of co-accused wherein the earlier

condition was relaxed and the co-accused were allowed to furnish sureties from different parts of the State of Maharashtra. Learned Counsel for the applicant further submitted that the applicant originally hails from the State of Gujarat and is having his permanent residence at the address mentioned in the cause title of the present application. She, therefore, prayed that the present application be allowed and the applicant may be permitted to furnish sureties from the State of Gujarat. Mr. Nakhwa, learned Counsel appearing for CBI submitted that appropriate orders may be passed in the interest of justice.

3] The applicant has been ordered to be released on bail by an order dated 13th August 2015 and as per the present application he is unable till date to furnish sureties from Mumbai and Thane. Therefore in the interest of justice, I am inclined to allow the application by permitting the applicant to furnish the sureties from the city of Surat, State of Gujarat.

Hence, the following order:-

i] Clause No.2 in para 8 of the order dated 13th August 2015 is hereby modified and the applicant is allowed to furnish solvent

sureties from the city of Surat, State of Gujarat.

ii] The trial court is hereby directed to get the said solvent sureties verified through the investigating agency or any other lawful agency before its acceptance.

(iii) The application is allowed in the aforesaid terms.

(A.S.GADKARI, J)