

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 19 OF 2016

IN

BAIL APPLICATION NO.2079 OF 2015

Mr. Bhupinder Singh Sawhney and anr. ..Applicant.

vs.

M/s. Olive Tex Silk Mills Pvt. Ltd. and anr. ..Respondents.

Mr. L.M.Grover with Hardik Vyas for the Applicant.

Mr. P.M.Rustom Khan for Respondent No.1.

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

CORAM : A.S.GADKARI, J.

DATE : 3rd February 2016.

PC:

This is an application for modification of order dated 17.12.2015. By an order dated 27.11.2015 the applicants were released on bail on certain conditions. The condition No.(i) of Para 7 imposed upon the applicant reads as under.

“The applicants shall be released on bail on their furnishing PR Bond of Rs.5.00 lakhs each with one or two solvent sureties in the like amount. The trial court before accepting sureties will verify the genuineness and authenticity of the same.”

2) As the applicants could not comply with the condition they moved an application bearing No.1026/2015. That, condition (i) mentioned in Para 7 was thereafter relaxed and the amount of PR bond with one or two solvent sureties was reduced from Rs.5.00 to 3.00 lakhs each with one or two separate solvent sureties in the like

amount.

3) The applicants have preferred the present application on the ground that the applicants are unable to get the solvent sureties even for the said amount and though this Court has passed an Order releasing the applicants on bail on 27.11.2015, the applicants could not comply with the said condition. The Learned counsel for the applicant submitted that the persons who have shown their willingness to stand sureties have no landed property at Mumbai and therefore, it is difficult for the applicants to furnish the sureties. However, if the said sureties are permitted to give even irrevocable bank guarantee, the same may have facilitate the applicants to come out of Jail. For the reasons stated in the application and in the interest of justice I am inclined to modify the condition imposed in order dated 27.11.2015.

4) Hence, the following order.

ORDER

a) The condition of furnishing PR bond of Rs.3.00 lakhs each with one or two separate solvent sureties is hereby modified as under:-

b) The sureties shall furnish two separate bank guarantees for an amount of Rs.3.00 lakhs each. The said bank guarantee shall be irrevocable and unconditional. The said bank guarantee shall remain in force till the conclusion of the trial. Even two consecutive defaults at the behest of the applicants in attending the court proceedings shall make them liable for invoking the said bank guarantees by the State.

- c) Rest of the conditions are not disturbed.
- d) The complainant is at liberty to file application for cancellation of the bail if the applicants commit breach of any of the conditions imposed by orders dated 27.11.2015 and 17.12.2015.
- e) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)