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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 99 OF 2016

Anil Nandram Sonni

..Applicant

Vs.

The State of Maharashtra

.. ..Respondent

Mr. Imran Sheikh for applicant.

Ms. Rutuja Ambekar, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 22nd February 2016.

P.C.

1 This is an application for relaxation of condition imposed upon the applicant while releasing him on bail by the Special Judge under the Protection of Children From Sexual Offences Act, Greater Mumbai by its order dated 11.9.2015.

2 While releasing the applicant on bail, the learned Trial Court had directed that the applicant shall be released on bail on his furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount. It appears from the record that by an order dated 27.10.2015 the Trial Court allowed the application preferred by the applicant thereby allowing him to

be released on provisional cash bail of Rs.21,000/- for a period of four weeks. The applicant was released on bail on 5.11.2015.

3 The learned Counsel for the applicant submitted that after his release from jail, the applicant could not get any surety to make up the said amount from Mumbai as he is ordinary resident of State of Uttar Pradesh. He submitted that the applicant is also hailing from lower economic strata of the society and it is very difficult for him to get such surety. That for the said reason, the applicant moved an application below Exhibit-5 before the Trial Court to continue the cash bail till the disposal of the case and exempting him from submitting surety. The learned Trial Court by its order dated 19.1.2016 while rejecting the said application, was pleased to extend the said period to furnish surety by two weeks. The learned Counsel for the applicant submitted that it is a matter of fact and record that the applicant is unable to get/procure any surety in the said amount in his favour.

4 In view of the facts mentioned in the application and in the interest of justice, I am inclined to allow the present application.

Hence, the following order:-

(i) The condition to furnish one or two sureties in the sum of Rs.20,000/- as is directed by the Trial Court by its order dated 11.9.2015 is hereby modified and the applicant is directed to deposit a further cash bail

of Rs.25,000/-. The said amount of cash bail of Rs.25,000/- to be deposited in the Registry of the Trial Court within three weeks from today.

(ii) Rest of the conditions imposed upon the applicant are not disturbed.

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

(A.S. GADKARI,J.)