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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 247 of 2016.

Sandip Prakash Nikam

..Applicant.

Vs

The State of Maharashtra

..Respondent.

Mr S.R. Phanse i/by Tanveer Khan for the applicant.

Mrs A.A. Mane, APP

CORAM : A.S.GADKARI, J.

DATE : 18.5.2016.

(VACATION JUDGE)

P.C.

1. This is an application for modification of the condition imposed upon the applicant while releasing him on bail by the learned Sessions Judge, Solapur in Criminal Bail Application No. 246/2016 by its Order dated 9.3.2016.

2. The applicant is an accused in CR No. 250 of 2015 registered with M.I.D.C. Police Station, Solapur, for the offences punishable under sections 420, 406, 467, 468, 471 read with section 34 of the IPC.

3. The learned Sessions Judge, Solapur while allowing the application of the applicant for bail, has, apart from other conditions, ordered that the applicant or his relative to deposit an amount of Rs.5,50,000/-in the Court of the Judicial Magistrate, First Class, Court No.3, Solapur within one month from the date of passing of the said order which shall be a condition precedent for releasing the applicant on bail.

4. The learned counsel for the applicant submitted that the aforesaid condition is an onerous condition. That the applicant could not comply with the said condition and though the applicant has been

ordered to be released on bail on 9.3.2016 till today he is languishing in jail. The learned counsel for the applicant, on instructions from the relative of the applicant, submitted that the relatives have some-how managed to collect Rs.2 lakhs till today. However, unless and until the applicant comes out from jail, he will not be able to deposit the said amount in the Court of Judicial Magistrate, First Class, Court No.3 Solapur.

5. The learned APP opposed the application and submitted that it is the prosecution case that the applicant is the beneficiary of Rs.5,50,000/- involved in the crime.

6. After taking into consideration the fact that though the applicant was directed to be released on bail on 9.3.2016 he is still languishing in jail only because of the aforesaid onerous condition, I am inclined to modify the order passed by the learned Sessions Judge, Solapur.

7. Hence, the following order :

ORDER :-

(A) The Order dated 9.3.2016 passed by the learned Sessions Judge, Solapur, below Exh.1, in Criminal Bail Application No. 246/2016 is hereby modified as under :

(i) The applicant shall deposit a sum of Rs.2 lakhs in the Registry of the Judicial Magistrate, First Class, Court No.3, Solapur within a period of two weeks from the date of his release from Jail. The condition of deposit of Rs.5,50,000/-imposed upon the applicant is set aside.

(ii) It is made clear that no further extension shall be granted to the applicant on any count;

(iii) If the applicant fails to deposit the said amount of Rs.2 lakhs within a period of two weeks from his release from jail, the necessary consequences would follow and the prosecution is at liberty to move an

application under section 439 (2) of the Cr.P.C. before the appropriate Court;

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

(A.S. GADKARI, J.)