

DB

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.607 OF 2016

IN

CRIMINAL APPEAL NO.341 OF 2016

Gulam Akbar Abdul Sattar Khotal. ..Applicant.

vs.

State of Maharashtra. ..Respondent.

Mr. Vijay Hiremath i/by Rebaca Gonsalvez for the Applicant.
Mr.Dedhia, APP for the State.

CORAM: A.S.GADKARI &
M.S.KARNIK, JJ.
(VACATION BENCH)
DATE : 19th May, 2016

P.C.

Not on board. The learned counsel for the applicant has moved the praecipe dated 19.5.2016. Taking into consideration the urgency, the matter is taken on board.

2) The learned counsel for the applicant has moved the praecipe for modification of the order dated 16.5.2016. The learned counsel for the applicant submitted that by the said order dated 16.5.2016 this Court has directed that the applicant be released on temporary bail from 26.5.2016 to 3.6.2016 on the ground of marriage of his daughter namely Ms. Marzina which is scheduled on 29.5.2016 at Kalyan. By the said order the applicant was directed to be released on temporary bail on his furnishing PR bond of Rs.50,000/- with one or two local sureties in the like amount. The learned counsel has specifically mentioned in the praecipe that the

registry of the Sessions Court is insisting for production of solvency certificate of the sureties as the amount of PR bond is Rs.50,000/-. He has further stated that it will take more than two weeks to get the solvency certificate of the concerned sureties. That, the sureties have already been furnished however, for want of solvency certificate the said sureties could not be processed or accepted by the registry of the Sessions Court. He further submitted that the present crime occurred in the jurisdiction of Mumbai and therefore, the registry of Sessions Court is further insisting for “local sureties” from Mumbai itself and not from any other place. He lastly submitted that the applicant was and is ordinary resident of Kalyan and therefore, it is very difficult for him to procure or get two local sureties from the jurisdiction of Mumbai City and taking into consideration the exigency in the matter, the said order may be modified. In view of the above, we are inclined to modify the order dated 16.5.2016.

3) Hence, the following order.

ORDER

a) Clause (a) in order dated 16.5.2016 is hereby modified and the applicant is permitted to furnish one or more sureties in the like amount to make up the amount.

b) Rest of the conditions imposed by the said order are not disturbed.

Praecipe is disposed off accordingly.

(M.S. KARNIK, J.)

(A.S. GADKARI, J.)