

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.283 OF 2015

Ramchandra Gangaram Gedam ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr. V.V. Purwant appointed Advocate for the Applicant.

Ms G.P. Mulekar, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 9th FEBRUARY, 2016.

P. C. :

This is an application filed by the aforesaid Applicant for modification of condition of bail imposed vide order dated 12.6.2009 in Criminal Bail Application Nos.692 of 2009 and 895 of 2009.

2. Heard the learned counsel for the Applicant and the learned APP for the Respondent -State. The Applicant herein was arrested in Crime No.185 of 2008, registered at Khopoli Police Station, District-Raigad, for offences punishable under sections 395, 458, 342, 506(II) r/w. 34 of the IPC and sections 167(2) of Cr.P.C. r/w, section 21(2) of the Maharashtra Control Organized Crime Act, 1970. The Applicant and the other co-accused had filed application for bail being

895 of 2009 under the provisions of section 167 (2) of the Criminal Procedure Code r/w. 21 (2) of the MCOC Act. The learned Sessions Judge by order dated 12.6.2009 had ordered to release the Applicant on bail on furnishing bail bond of Rs.50,000/- with two solvent sureties of Rs.25,000/- each. The Applicant has stated that he has not been able to furnish the said surety. Hence, he has not been released on bail despite the said order. By this application the Applicant has prayed to release him on minimum cash bail or on personal bond.

3. The learned APP has placed on record the report, which indicates that the Applicant herein is facing trial in three other cases i.e. Crime No.124 of 2008 for offences punishable under section 392 r/w. 34 of the IPC and Crime No.123 of 2008 for offences punishable under section 395 of the IPC and sections 25(1) (3) of the Arms Act both registered at Panvel police station, Navi Mumbai and another Crime No.211 of 2008 for offences punishable under sections 458 and 380 of the IPC registered at Yavat police station, Pune (rural). In all these three crimes the Applicant has not been granted bail. The record, further reveals that the Applicant is involved in several other crimes, which are serious in nature. Hence, the request of the Applicant to release him on personal bond and /or minimum cash bail

cannot be acceded to. Nonetheless, considering the fact that the Applicant was released under section 167(2) r/w. section 21 of the MCOC Act and also considering the fact that the Applicant has not been able to furnish solvent sureties of Rs.25,000/-, each the condition is modified to the extent that the Applicant shall be released on bail in Crime No.185 of 2008 on furnishing bail bonds of Rs.35,000/- with one or two sureties to the like amount to the satisfaction of the Sessions Judge, Alibag.

4. With aforesaid observations, the application stands disposed of.

5. Mr. V.V. Purwant, the Advocate appointed to represent the Applicant be paid fees quantified at Rs.1000/- within a two months.

(ANUJA PRABHUDESSAI, J.)