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

CRIMINAL APPLICATION NO.375 OF 2016

Arvind Kumar @Bhim G. Gupta
(Jaishwar)

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Rajkumar Yadav, for the Applicant

Mr.H.J.Dediya, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 8th JULY, 2016

P.C. :

1. Heard learned counsel for the applicant and the learned A.P.P.

2. By this application, the applicant seeks modification of the condition imposed by the learned Additional Sessions Judge, Greater Bombay, in para 7, clause -2 of the order dated 6th May, 2016, whilst enlarging the applicant/accused on bail. The condition of which modification is sought is underlined and reads as under;-

“7.(2) Applicant/accused – Arvind Kumar @Bhim G.Gupta

be released on bail on execution of PR Bond of Rs.30,000/- (Rupees Thirty Thousand Only), **with one solvent surety in the like amount.**” (Emphasis supplied)

3. Learned Counsel for the applicant submitted that considering the facts of the case and the fact that the prosecutrix (although a minor) had run away with the applicant and that they had got married, the applicant was enlarged on bail by the Sessions Court on furnishing P.R.Bond of Rs.30,000/- with one solvent surety in the like amount. He submitted that despite the order dated 6th May, 2016, enlarging him on bail, the applicant has not been able to comply with the said directions due to his financial condition. He, therefore, prays that the surety amount of Rs.30,000/- be reduced. He submitted that although an application for modification was filed before the Trial Court, the same was rejected by the learned Sessions Judge, as the applicant had prayed for cash surety.

4. Learned A.P.P opposed the application seeking modification. He submitted that the applicant cannot be enlarged only on cash surety. He submitted that although the amount may be reduced, the applicant ought

not be enlarged only on cash bail.

5. Accordingly, for the reasons set out in the application, following order is passed : -

ORDER

(i) Applicant/accused – Arvind Kumar @Bhim G.Gupta be released on bail on execution of PR Bond of Rs.10,000/- (Rupees Ten Thousand Only), with one or two sureties in the like amount, instead of PR Bond of Rs.30,000/- (Rupees Thirty Thousand Only), with one solvent surety in the like amount.”

(ii) The applicant shall attend the concerned Police Station on the first Saturday of every month between 10:00 a.m. to 11:00 a.m. for a period of 12 months and thereafter on the first Saturday of every alternate month, till the conclusion of the trial;

(iii) The applicant shall inform his latest place

of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The applicant shall attend the Sessions Court on every date of the hearing and shall cooperate with the conduct of the trial;

(v) Rest of the conditions imposed vide order dated 6th May, 2016, by learned Additional Sessions Judge, Greater Bombay to remain as it is.

6. The application is accordingly allowed in the above terms.
7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.