

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

WRIT PETITION NO. 2310 OF 2016

Mr.Ravi Rakhmaji Khatikmare

... **Petitioner.**

Versus

The State of Maharashtra

... **Respondent.**

Mr.Pawan Patil h/f. Triyama Legal for Petitioner.

Mr.A.R.Patil, APP for Respondent-State.

CORAM : RAVINDRA V. GHUGE, J.

DATE : 14TH JULY, 2016.

P.C. :

1] Rule. Rule made returnable forthwith. Heard finally by the consent of the parties.

2] I have considered the submissions of the learned Advocate for the Petitioner and the learned Asst. Public Prosecutor.

3] Learned Advocate for the petitioner has strenuously criticized the impugned order dated 29.3.2016. It is undisputed that the application for Bail filed by the petitioner has been allowed by order dated 16.1.2016 on the condition that he would execute a P.R. Bond of Rs.15,000/- and one surety in the like amount.

4] It is also not in dispute that the petitioner is facing trial for offences punishable under Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 363, 366 and 376 of the Indian Penal Code.

5] Grievance is that the petitioner, after executing a P.R. Bond of Rs.15,000/-, could not furnish a surety in the like amount and hence moved an application for being released on bail on the basis of the P.R. Bond, which has been rejected by the impugned order dated 29.3.2016.

6] The petitioner strenuously submitted that his mother tried hard to file a surety, but in vain. If the petitioner is released only on the P.R. Bond he would made efforts and would furnish one surety in the like amount. He prays for being released for a short duration so as to furnish a surety.

7] The learned Asst. Public Prosecutor has strenuously opposed the petition contending that though the offence for which the petitioner is being tried is of a serious nature, the Court below granted bail by imposing certain conditions and one of the conditions was to furnish a surety in the like amount. There is no justification for

diluting the conditions imposed by the learned Additional Sessions Judge as this would set a wrong precedent.

8] Having considered the submissions of the learned Advocates, which are recorded as above, I do not find that the learned Additional Sessions Judge has committed any error in passing the impugned order dated 29.3.2016. The conditions imposed upon the petitioner need to be complied with so as to release him on bail.

9] As such, this petition being devoid of merit, is dismissed. Rule is discharged.

(RAVINDRA V. GHUGE, J.)