

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL WRIT PETITION NO. 2318 OF 2016

Shrikant R. Salvi

.....Petitioner

V/s.

The State of Maharashtra

....Respondent

Mr. Sameer Vaidya a/w Mr. R. D. Siroya Advocate for Petitioner.

Mr. A. R. Patil APP for the State.

CORAM : RAVINDRA V. GHUGE, J.

DATED : JULY 7, 2016.

PC :

- 1) Heard respective counsel.
- 2) The Petitioner is aggrieved by the order dated 23/06/2016 by which the learned Additional Chief Metropolitan Magistrate has issued a non-bailable warrant on account of the Petitioner having failed to furnish the solvent surety of Rs. 5,00,000/- (Rs. Five Lakhs) in deference to the bail order dated 29/03/2012 and 02/04/2016, in as much as, he did not seek extension of time to furnish the same. His exemption from personal attendance was therefore declined.
- 3) The learned Advocate for the Petitioner submits that the amount of Rs. 87,00,000/- (Rs. Eighty Seven Lakhs) which are at issue in the proceedings

ism

before the trial Court, has already been returned to the complainant Shweta Kothari. The solvent surety could not be arranged. It was unintended that the extension of time to furnish solvent surety was not sought.

4) The learned counsel submits on instructions from the Petitioner who is present in the Court that he would appear before the learned Additional Chief Metropolitan Magistrate today and would apply for the cancellation of the non-bailable warrant. He would comply with the conditions as may be imposed by the Trial Court. Statement is further made that the solvent surety of Rs. 5,00,000/- (Rs. Five Lakhs) as per the bail order dated 29/03/2012 and 02/04/2016 shall be furnished within 3 weeks.

5) The learned APP appearing on behalf of the State has opposed the petition. The contention is that the impugned order speaks for itself indicating thereby that the Petitioner had not furnished the solvent surety for almost 4 years. He therefore, prays for the rejection of this petition.

6) I have considered the submissions of the learned Advocates.

7) The statement made by the learned counsel for the Petitioner on instructions is accepted as a statement made to this Court. It is informed that the proceedings before the Trial Court are posted for this date and the

Petitioner would personally appear before the Court and apply for the cancellation of the non-bailable warrant.

8) In the light of the above, this petition is disposed of by recording the statement of the Petitioner that he would appear before the learned Additional Chief Metropolitan Magistrate today and apply for the cancellation of the non-bailable warrant. Learned Magistrate shall consider the same and by imposing appropriate conditions may grant the said application by recording that the solvent surety for an amount of Rs. 5,00,000/- (Rs. Five Lakhs) will be furnished by the Petitioner before the learned Trial Court within 3 weeks from today.

9) Needless to state, if this order is not complied with by the Petitioner, the non-bailable warrant be executed. The Petitioner shall not seek extension of time.

(RAVINDRA V. GHUGE, J.)