

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2465 OF 2016**

1. Jayesh Arjun Bhandari		
2. Mukesh Arjun Bhandari		Petitioners
vs.		
Inspector of Police,		
Borivli Police Station & Ors.		Respondents

Mr. S.V.Marwadi i/b. Ms. Prabha U.Badadare, Advocate for the petitioners.

Ms.A.A.Mane, APP, for the State.

Mr. P.J.Satam, PI, EOW, Mumbai present.

**CORAM: SMT.SADHANA S.JADHAV, J.
DATE : 20th July, 2016.**

P.C.

1. Heard the learned counsel for the petitioner and the learned APP for the State.

2. Rule. Rule made returnable forthwith with the consent of the parties.

3. The petitioners herein are charge-sheeted in Crime No.223/2012, registered at Borivali Police Station for the offences punishable under Section 420 read with section 34 of the IPC. The

investigation of the said offence was transferred to the Economic Offences Wing and the crime has been registered as Crime No.55 of 2012. That after completion of investigation and at the stage of filing charge sheet, summons was issued to the present petitioners. Pursuant to the said summons, the petitioners appeared before the Addl. Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai. The petitioners were taken into custody on the same day. The petitioners had then filed an application seeking bail. That the learned Addl. Chief Metropolitan Magistrate has allowed the application filed by the present petitioners and enlarged them on bail on certain conditions. Clauses 1 and 2 of the operative order read as under :-

“1. The applicants no.1 Jayesh Arjun Bhandari and 2 Mukesh Arjun Bhandari be deposited Rs.1,40,00,000/- (Rs.One Crores forty Lakhs) jointly.

2. The applicants no.1 Jayesh Arjun Bhandari and 2. Mukesh Arjun Bhandari be released on PB of Rs.10,00,000/-(Rs.Ten Lakhs) eachwith solvent surety of Rs.10,00,000/-each and cash security of Rs.2,00,000/- (Two Lakhs) each.”

Hence, this Writ Petition.

4. The learned counsel for the petitioners submits that the

condition imposed upon the petitioners was so exorbitant that it would amount to denial of bail and hence the petitioners approached the Court of Sessions. The learned Sessions Court has been pleased to stay condition No.1 imposed by the Addl. C.M.M. The matter is now adjourned for 12.8.2016.

5. The learned counsel for the petitioners submits that the petitioners are the flower sellers. That it would not be possible for them to arrange for solvent sureties to the tune of Rs.10 lakhs immediately and therefore the petitioners have prayed that the quantum of solvent surety imposed by the learned Magistrate be modified accordingly to enable the petitioners to be enlarged on bail.

6. The learned counsel for the petitioners, upon instructions, submits that the family members of the petitioners can arrange for a surety in the sum of Rs.5,00,000/- (Rupees five lakhs). However, till they can arrange for surety, the petitioners shall be enlarged on cash security of Rs.2,00,000/- (Rupees two lakhs) and solvent surety in the sum of Rs.5,00,000/- (Rupees Five lakhs). The petitioners are granted four weeks time to furnish solvent surety only upon depositing the cash security of Rs.2,00,000/- (Rupees two lakhs). The petitioners

shall not seek extension of time for furnishing solvent sureties in the sum of Rs.5,00,000/- (Rupees five lakhs).

7. With these directions, the Writ Petition is partly allowed .

Rule is made absolute.

8. Parties to act on an authenticated copy of this order.

(SMT. SADHANA S.JADHAV, J.)