

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.2253 OF 2017
IN
CRIMINAL APPLICATION NO.5273 OF 2016
IN
CRIMINAL APPEAL NO.532 OF 2016**

Kavita Bhagwan Bhosale .. Applicant

Versus

The State of Maharashtra .. Respondent

Smt. Surekha G. Chincholkar, Advocate for the applicant
Mr.Y.G. Gujrathi, APP for the respondent/State

**CORAM : V.L.ACHLIYA, J.
DATED : 05.05.2017**

P.C. :-

. The applicant has taken up this application seeking relaxation of condition of deposit of fine amount to the extent of 25% for the reasons set out in detail in the application.

2. In nutshell it is the contention of the learned counsel for the applicant that though by order dated 13.10.2016 the applicant is ordered to be released on bail on her furnishing bail in sum of Rs.50,000/- with one surety in like amount and deposit fine to the extent of 25% of total fine imposed by the trial Court, the

applicant could not arrange to deposit the fine amount due to poor financial condition. Learned counsel for the applicant submits that the applicant is having seven daughters out of which two daughters are married. The other four daughters are in the age group of 3 to 16 years and the age of son is 10 years. There is no male members in her family to look after them. Her husband is convicted and lying in the jail. There is nobody in her family to take care of her children. There is no criminal antecedent of the applicant. Learned counsel for the applicant submits that the applicant is ready to deposit fine of Rs. 1,00,000/- as condition precedent to be released on bail and further undertakes to deposit amount of RS.1,77,500/- within three months.

3. Learned APP for the respondent/State opposed the application with contention that no ground has been made out to modify the condition. He further submits that there is strong evidence to connect the applicant with the offence for which she has been convicted. He also submits her relatives can arrange to pay fine amount.

4. Having appreciated the submissions advanced I am of the view the case has been made out to modify the condition as to deposit of fine. It is apparent from the face on record that though the applicant was granted bail in the Month of October-2016 the applicant could not

comply with the condition. While granting bail this Court has considered overall facts of the case and observed that there is arguable case in favour of the applicant. In case the condition is not relaxed there is every likelihood that the applicant may not be able to get released on bail though bail granted in her favour. I am, therefore, inclined to allow the application and pass the following order.

ORDER

i. The application is allowed to the extent of modification of condition of bail imposed vide order dated 13.10.2016. Condition precedent to release the applicant on depositing the fine to the extent of 25% i.e. Rs.2,77,500/- is modified. The applicant be released on bail on her depositing Rs.1,00,000/- with undertaking to deposit the balance amount of Rs.1,77,500/- within three months from the date of this order. Rest of the conditions of bail to remain as it is.

ii. The application is disposed of in above terms.

iii. The parties to act upon authenticated copy.

[V.L.ACHLIYA, J.]