

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

20 CRIMINAL APPLICATION NO.3083 OF 2017
IN APPLN/5676/2016 WITH APPEAL/532/2016 WITH
APPEAL/570/2016 WITH APPEAL/583/2016 WITH
APPEAL/607/2016 WITH APPEAL/13/2017

SUKHA @ SUKHDEO ANANDA BHOSLE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. Ingle Kachru A.
Mr. SP Tiwari, APP for Respondent-State.

CORAM : P.R.BORA, J.

DATE : 30th October, 2017.

PER COURT :

1) The present application is filed by original accused No.10, seeking relaxation of condition set out in order passed on 9th January, 2017. Vide the aforesaid order, the present applicant was directed to be released on bail subject to deposit of the amount of fine imposed on him vide the impugned judgment.

2) In the present application, it is the contention of the applicant that it is impossible for the applicant to deposit the entire amount of

fine. It is the further contention of the applicant that he has already undergone the substantive sentence and is now undergoing the sentence for committing default for payment of the fine. It is the further contention of the applicant that in case of few other accused in the said case, this Court has relaxed the condition of depositing the fine amount and have been given concession to deposit 25% of the fine amount. It is the case of the applicant that he stands at par with the said accused persons. In the circumstances, it is prayed that the order passed on 9th January, 2017 and more particularly the condition imposed in the said order of depositing the entire amount of fine, be relaxed and the applicant be released on bail subject to deposit of 25% of the fine amount.

3) Learned APP has opposed for giving any such relaxation. The learned APP submitted that the relaxation is given only in the case of Kavita whose case cannot be said to be at par

with the present applicant. The learned APP has, therefore, prayed for rejecting the application.

4) After having considered the submissions made on behalf of the learned Counsel for the parties and on perusal of the earlier order and the orders passed in respect of other accused, it does not appear to me that any case is made out by the applicant for relaxing the condition imposed by this Court in the earlier order. This Court, while passing the order in the case of Kavita, the another accused in the matter, has elaborately assigned certain reasons, which cannot be considered in the present case and as such, it cannot be accepted that the case of the present applicant is at par with the case of said accused Kavita.

. It is further brought to my notice that hearing of the present appeals are expedited and the matters can be listed for final disposal. For both the aforesaid reasons, I am not inclined

to allow the present application. Hence, the following order, -

ORDER

- i) The application is rejected;
- ii) Hearing of the appeals have already been expedited;
- iii) List all these matters for final disposal on 16th November, 2017.

(P . R . BORA , J .)

bdv/