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

CRIMINAL APPLICATION NO. 8 OF 2016

Rajiv Suryakant Mehta	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

Mr. Subhash Jha a/w. Ms. Sanjana Prajapati i/b Law Global for the Applicant.
Mr. Ajay Patil, APP for the Respondent-State.

CORAM : A.S. GADKARI, J.
DATE : 7th APRIL, 2017.

P. C. :

1. This is an application for modification of order dated 09.09.2015 passed by the learned Metropolitan Magistrate, 28th Court, Esplanade, Mumbai. By the said order, the applicant has been directed to be released on bail on executing personal bond of Rs.50,000/- with one or two solvent sureties in the like amount in C. R. No. 284 of 2015 registered with L. T. Marg Police Station.

2. Learned counsel for the applicant submitted that the same complainant has also lodged two other crimes bearing Nos.115 of 2015 and 162 of 2015 with D. B. Marg Police Station and Gaondevi Police Station respectively with similar allegations. He submitted that in C. R. 162 of 2015, the learned Metropolitan Magistrate, 40th Court, Girgaon, Mumbai by its order dated 20.08.2015 was pleased to release the applicant on bail on executing Personal Bond of Rs.25,000/- with one

solvent surety in the like amount. That in C. R. 115 of 2015, this Court by its order dated 27.11.2015 has granted bail to the applicant on his furnishing PR bond of Rs.2 lakhs with one or two sureties in the like amount. Learned counsel submitted that as far as the other two orders dated 20.08.2015 and 27.11.2015 are concerned, the applicant has duly complied with the conditions imposed upon him. He submitted that as far as the present order i.e. order dated 09.09.2015 is concerned, the applicant is unable to get one or two solvent local sureties as the persons of his acquaintance have already stood sureties in the other two crimes. He submitted that since the last more than 1 ½ years, the applicant tried his level best to get the solvent sureties in the present crime i.e. C. R. 284 of 2015, however, the applicant is unsuccessful. He, therefore, prayed that the said condition No.1 imposed by the order dated 09.09.2015 may be suitably modified.

3. I have perused the record. It appears that there is substance in the submission made by the learned counsel for the applicant. That the complainant in the aforesaid all the three crimes is the same. The Division Bench of this Court in its order dated 30.10.2015 has observed that all the three crimes pertains to the transactions between the period of 13 days and is lodged by the same complainant. As stated earlier, as the applicant has already complied with the orders granting him bail in two other crimes and has already submitted sureties in that behalf, in my considered view, the condition No.1 imposed upon the applicant by order

dated 09.09.2015 can be modified.

4. In view thereof, the direction to submit one or two solvent sureties in the like amount imposed upon the applicant in order dated 09.09.2015 is hereby waived. However, the applicant is directed to attend all the dates before the Trial Court without fail.

5. The application is allowed in the aforesaid terms.

[A. S. GADKARI, J.]