

Amk

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

**CRIMINAL APPLICATION NO. 245 OF 2017
IN
BAIL APPLICATION NO. 1054 OF 2016**

Mukesh Bhawarlal Borana	.. Applicant
Vs.	
The State of Maharashtra	.. Respondent

Mr. Nitin H. Sejpal for the Applicant.
Mrs. P. P.Shinde, APP for the Respondent-State.

CORAM : A.S. GADKARI, J.
DATE : 5th MAY, 2017.

P. C. :

1. This is an application for modification of condition No. (ii) imposed upon the applicant while releasing him on bail vide order dated 16.02.2017 passed by this Court. The said condition is as follows:

“(ii) The applicant be enlarged on bail on furnishing P.R. Bond in the like sum of Rs.25,000/- with one or more local solvent sureties in the like amount.”

2. Learned counsel for the applicant submitted that the applicant is an ordinary resident of State of Rajasthan and he is unable to get any surety from the State of Maharashtra. He submitted that the applicant's uncle, namely, Devaram Dhanchi has expressed his willingness to remain surety for him, however, as the said uncle is also an ordinary resident of village Kavrada, Tahasil Aahor, District Jalore, State of Rajasthan. The

documents of the said surety are annexed to the present application.

3. In view of the fact that the applicant was directed to be released on bail by an order dated 16.02.2017 and till date the applicant is unable to comply with the said condition and is languishing in jail, I am inclined to modify the said condition.

Hence, the order:

- (i) The applicant is permitted to furnish the surety of his uncle, namely, Shri Devaram Jyotiramji Dhanchi resident of Kavrada, Tahasil Aahor, District Jalore, State of Rajasthan.
- (ii) The Trial Court is hereby directed to verify the said documents through proper agency before accepting the said surety.
- (iii) The application is allowed in the aforesaid terms.

[A. S. GADKARI, J.]