

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

CRIMINAL WRIT PETITION NO. 1246 OF 2017

Mr.Ramsanjivan Udayraj Gupta	.. Petitioner
Vs.	
The State of Maharashtra	.. Respondent

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Mr.Umesh Mohite, Advocate for the Petitioner.
Mrs.Veera Shinde, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : JUNE 22, 2017.

P.C. :

The applicant was ordered to be released on bail by the Sessions Court vide order dated 5th May, 2016 in connection with C.R.No.384 of 2015. As per the said order, the applicant was released on bail on personal bond and surety bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one or two sureties in the like amount, out of which one shall be a local surety. The condition no.3 of the said order mentions that the applicant shall furnish his permanent residential address.

2 The learned counsel for the applicant submits that he had furnished all requisite documents in support of the said

application. The Registry had noted certain objections on the said application. It was stated that the applicant accused had not complied with the bail condition no.3. It was also stated that surety has produced salary certificate issued by her employer and no other documents were produced. It was further mentioned that the accused is residing at the given address on leave and licence agreement and the agreement is produced by the surety. The police were directed to verify and report has been received by the police. The surety has produced the income certificate as well as ration card, Pan Card and Aadhar Card. The Sessions Court had passed an order on 16th February, 2017 stating that the objection raised by the Registry were noted and the accused has not complied with condition no.9 of the bail and the surety application was rejected.

3 Learned advocate for the applicant submitted that surety had complied with all the requirement and requisite documents were produced. There was no condition no.9 stipulated in the order. Condition no.3, which is one of the objection raised by the Registry is in relation to the permanent address of the accused. The applicant has remained in custody and those compliances would be possible after applicant is

released on bail. It appears that the Sessions Court has mechanically passed the order and rejected the application for surety vide order dated 16th February, 2017. It appears that the applicant has produced the documents. The Sessions Court was required to peruse the documents which were annexed to the surety application and the police report and ought to have passed the order on application for surety. The impugned order, however, indicates that the accused has not complied with condition no.9 and, therefore, the application was rejected. There is no question of compliance of any condition no.9 or condition no.3 at this stage. The impugned order, is therefore, set aside. The Sessions Court is directed to consider the application for surety along with the documents annexed with the said application and the report submitted by the police and pass order in accordance with law. The application stands disposed of.

(PRAKASH D. NAIK, J.)