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

CRIMINAL APPLICATION NO.336 OF 2017

Sibte Ali Ahmed Hassan Rizvi	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Hrishikesh Mundargi, i/b Mr.S.R.Mithare, for the Applicant.

Mr.V.V.Gangurde, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 11th SEPTEMBER, 2017

P.C. :

1. Heard learned Counsel for the parties.

2. By this application, the Applicant seeks modification/relaxation of the condition imposed by the learned Additional Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai, vide order dated 5th April, 2017.

3. The condition of which modification/relaxation relaxation is

sought, reads thus:-

“6.

1. The applicant Sibte Ali Ahmed Hassan Rizvi be released on P.B. of Rs.10,00,000/- (Rs.Ten Lakhs) with solvent surety of like amount in addition to cash security of Rs.5,00,000/- (Rs.Five Lakhs) and on depositing Rs.50,00,000/- (Rs.Fifty Lakhs).”

4. Learned Counsel for the applicant submits that similarly placed co-accused – Mahzarin Aspi Jeejeebhoy has been enlarged on bail on furnishing PR and one or two solvent sureties of Rs.1,00,000/- (Rupees One Lakh Only). The applicant - Mahzarin Aspi Jeejeebhoy was also directed to deposit Rs.1,00,000/- in cash in the trial Court. Learned Counsel for the Applicant submits that despite the order dated 5th April, 2017, enlarging the applicant on bail, the applicant is unable to comply with the said condition and hence, the applicant is still in custody. He submits that the learned Magistrate could not have directed the applicant to deposit an amount of Rs.50,00,000/-, as a condition precedent for enlarging the applicant on bail. According to the learned counsel, as the applicant is in

custody for almost 8 months, he has suffered huge financial losses, and as such, he is unable to deposit the said amount of Rs.50,00,000/-. He submits that even the applicant's enlargement on bail on P.B. of Rs.10,00,000/- with solvent surety of like amount is exorbitant and that the applicant is unable to give surety of such a huge amount. He submits that as far as the direction to deposit cash security of Rs.5,00,000/- is concerned, the same has been deposited by the applicant.

5. Learned APP has no objection if the said condition is modified/relaxed.

6. Accordingly, the application is allowed and the condition set out in clause 1 of para 6, imposed by the learned Additional Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai, vide order dated 5th April, 2017, stands relaxed and modified.

7. Accordingly, the applicant - Sibte Ali Ahmed Hassan Rizvi be released on P.B. of Rs.1,00,000/- (Rs. One Lakh) with one or more local solvent surety of the like amount. As far as cash security of Rs.5,00,000/-

(Rs.Five Lakhs) is concerned, the applicant has already deposited the same. As far as the direction directing the applicant to deposit Rs.50,00,000/- (Rs.Fifty Lakhs), as a condition precedent to the applicant's release is concerned, the same is also relaxed. Rest of the conditions imposed vide order dated 5th April, 2017, to remain as it is.

8. The Application is allowed and disposed of in above terms.
9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)