

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

CRIMINAL APPLICATION NO. 347 OF 2017

Shobhanaben Thakor

.. Applicant

Vs.

The State of Maharashtra

.. Respondent

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Ms.Gayatri Singh, Senior Advocate a/w. Ms.Neha Philip, for the Applicant.

Mr.A.R. Kapadnis, APP for the Respondent – State.

PSI Raosaheb D. Mote, Powai Police Station, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : JULY 12, 2017.

P.C. :

This is an application seeking modification of bail order passed by the Metropolitan Magistrate 66th Court, Andheri, Mumbai on 15th April, 2017.

2 The applicant was arrested in C.R.No.355 of 2016, registered with Powai Police Station, Mumbai for the offences punishable under Sections 419, 420, 465, 467, 468, 471 and 120-B of IPC read with Section 19 of the Transplantation of Human Organs Act, 1994.

3 The applicant was directed to be released on bail on furnishing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) solvent surety in the like amount. Provisional cash surety of Rs.15,000/- (Rupees Fifteen Thousand) was allowed in lieu of surety bond. Time was granted to furnish surety till 15th June, 2017 which was extended subsequently till 13th July, 2017.

4 Applicant preferred revision application before the Sessions Court seeking modification of the aforesaid order dated 15th April, 2017, which has been rejected. Hence, the applicant has approached this Court.

5 Learned advocate appearing for the applicant submitted that the applicant is a lady who is victim of circumstances. Although she has been granted bail on 15th April, 2017, she is not in a position to furnish the solvent surety as directed by the Court. The applicant is the resident of Gujarat. She has furnished the provisional cash security in the sum of Rs.15,000/- (Rupees Fifteen Thousand). It is submitted that at the earlier point of time also when she was granted bail she could not furnish security, she was taken into custody on 3rd April, 2017. It is submitted that the applicant may be released on cash bail of

Rs.15,000/- (Rupees Fifteen Thousand) without execution of solvent surety. Learned APP submitted that the applicant is from State of Gujarat and there is likelihood that the applicant would abscond.

6 Learned advocate for the applicant, however submitted that the applicant is willing to attend the local police station and undertakes to attend the trial Court proceedings on the date of hearing. In view of the above, I pass the following order:

:: ORDER ::

- (i) The order dated 15th April, 2017, passed by the Metropolitan Magistrate 66th Court, Andheri, Mumbai in Bail Application No.149/BA/2017 stands modified;
- (ii) The applicant is permitted to execute cash bail security in the sum of Rs.15,000/- (Rupees Fifteen Thousand) in lieu of surety bond as directed by the trial Court. The condition for executing solvent surety is hereby relaxed;

- (iii) Since the applicant has already furnished cash security, the applicant is permitted to continue on the said security;
- (iv) The applicant is directed to report to Sojitra Police Station, Piplav village District - Anand, Gujarat once in a fortnight on Saturday between 11.00 a.m. to 1.00 p.m.;
- (v) The applicant is directed to attend the trial Court proceedings on every date;
- (vi) It is clarified that in case applicant does not comply with the condition without justifiable cause, the prosecution is at liberty to prefer appropriate application for cancellation of bail;
- (vii) Criminal Application is disposed of accordingly.

(PRAKASH D. NAIK, J.)