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

***CRIMINAL APPLICATION NO.583 OF 2015
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.896 OF 2011***

Rajiv Mehrotra	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.A.R.More i/b Mr.S.R.Karnik, for the Applicant.

Mr.Y.M.Nakhawa, A.P.P. for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 30th MARCH, 2017

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.
2. By this application, the applicant seeks modification/relaxation of the condition imposed by this Court (Coram:R.C.Chavan,J.) vide order dated 8th November, 2011. The condition of which modification/relaxation is sought reads thus :-

.....In the event of applicants' arrest in crime No.13 of 2011,

registered at Mhasala Police Station, District Raigad, the applicants be released on bail on their furnishing P.R. bonds in the sum of Rs.50,000/- by each of them with one or more solvent sureties in the sums aggregating to Rs.50,000/- by each of them on the following conditions....”

3. Learned Counsel for the Applicant states that till date the applicant has not been able to arrange for the solvent sureties in the sum aggregating Rs.50,000/-, as directed by this Court vide order dated 8th November, 2011. He states that the applicant is a resident of New Delhi and therefore it is difficult for him to procure solvent surety. He submitted that while enlarging the applicant on bail, this Court (Coram:R.C.Chavan,J.) vide order dated 8th November, 2011, has imposed several conditions and as such there is no possibility of the applicant absconding. He further submitted that the applicant be permitted to furnish cash surety instead of solvent sureties. He relied on the order dated 26th July, 2016, passed by this Court (Coram:A.M.Badar,J.) in Criminal Application No.551 of 2015 in Anticipatory Bail Application No.900 of 2011 and order dated 30th November, 2016, passed by this Court (Coram:Smt.Sadhana S. Jadhav,J.) passed in Criminal Application Nos.562 of 2015 in Anticipatory Bail

Application No.898 of 2011 respectively.

4. Learned APP states that till date charge-sheet has not been filed in the said case.

5. It appears that the FIR is of 2011 and till date charge-sheet has not been filed as against the applicant and other co-accused. In the peculiar facts of this case, the prayer of the applicant cannot be said to be unreasonable. The object of furnishing solvent surety or cash surety ensures the presence of the applicant during trial. Even otherwise, this Court had relaxed and modified similar condition in the applications filed by the co-accused in the very same C.R.

6. Considering the aforesaid, the application is allowed and the condition is modified to the extent that 'in the event of applicants' arrest in crime No.13 of 2011, registered at Mhasala Police Station, District Raigad, the applicants be released on bail on their furnishing cash surety in the sum of Rs.50,000/- each instead of their furnishing P.R. bonds in the sum of Rs.50,000/- by each of them with one or more solvent sureties in the sums

aggregating to Rs.50,000/- by each of them on the following conditions....”.

The rest of the conditions imposed vide order dated 8th November, 2011, shall remain the same.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)