

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.644 OF 2017  
IN  
CRIMINAL APPLICATION NO.288 OF 2017

Salim Usman Mistry  
versus  
State of Maharashtra

Applicant  
  
Respondent

Mr.Ashok Ponda for Applicant.  
Mr.Amit Palkar, APP, for State.

CORAM : PRAKASH D. NAIK, JJ.

DATE : 26<sup>th</sup> July 2017

PC :

1. This is an application seeking modification of order passed by this Court dated 28th June 2017. The applicant was initially granted bail by Sessions Court by order dated 11th May 2017 on executing PR bond in the sum of Rs.5,00,000/- with one or more solvent sureties in the like amount. The applicant was also directed to deposit Rs.25,00,000/- by way of cash security with the Trial Court. The applicant, therefore, preferred an application before this Court challenging the said order directing him to deposit Rs.25 lakh and also against the order of execution of solvent surety of Rs.5 lakh.

2. This Court by order dated 28th June 2017 modified the order dated 11th May 2017 passed by Sessions Court and directed release of the applicant on bail on executing PR bond in the sum of Rs.1,00,000/- with one or more sureties in the like amount.

3. Learned counsel for applicant submits that the applicant has been facing hardship in arranging the sureties in the aforesaid amount. Although applicant was granted bail on 11th May 2017, he has continued to remain in custody. It is further submitted that the applicant was arrested in January-2017. It is submitted that the applicant may be permitted to execute cash security for a temporary period so that he can be released on bail and within the stipulated time, he can furnish the surety as directed by this Court. It is submitted that the applicant is permanent resident of Mumbai and he would not abscond. He is willing to deposit his passport with the investigating officer.

4. Taking into consideration aforesaid circumstances and considering the fact that applicant is in custody from January 2017 and is not able to arrange sureties as directed, the applicant can be permitted to furnish cash security for temporary period. Hence, I pass following order :

#### **ORDER**

- (i) The applicant is permitted to execute cash security in the sum of Rs.2,00,000/- for a period of six weeks in lieu of surety;
- (ii) The order dated 28th June 2017 of this Court, stands modified to that extent;
- (iii) The applicant shall furnish solvent sureties, as directed by this Court vide order dated 28th June 2017, within a period of six weeks from today;
- (iv) The applicant shall hand over his passport to the investigating officer of Economic Offences Wing, Housing Unit-II forthwith;

- (v) The applicant shall not tamper the evidence and influence the witnesses in any manner whatsoever;
- (vi) The application is disposed of.

(PRAKASH D. NAIK, J.)

MST