

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

CRIMINAL APPLICATION NO.390 OF 2017

Ashwin Ashirwad Parmar

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Ravindra Mungekar for the applicant.

Mr. Amit Palkar, APP for the respondent - State.

CORAM : PRAKASH D. NAIK, J.

DATE : 24 JULY, 2017

P.C. :

1. This is an application for modification of order granting bail passed by the Additional Sessions Judge-I, Vasai on 22nd June, 2017.

2. The applicant was arrested in connection with CR No.I-190 of 2017 registered with Tulinj Police Station, Palghar. The offences were registered under sections 420, 465, 467, 468, 471 read with 34 of IPC.

3. The applicant was granted bail by order dated 22nd June, 2017 by the Sessions Court, Vasai. He was directed to be released on bail of Rs.25,000/- on executing P.R. Bond alongwith one solvent surety in the like amount or on payment of cash security on certain

conditions. The applicant was directed to deposit earnest amount of Rs.6 lakhs. He was also directed to attend police station on each Wednesday and not to leave jurisdiction of Thane District and Mumbai area without permission of Investigating Officer. There were other conditions not to tamper with the evidence & witnesses and submit the names of the close relatives with correct addresses and contact numbers.

4. Learned advocate for the applicant submits that despite of bail been granted on 22nd June, 2017, the applicant has continued to be in custody because he was not in position to deposit the amount of Rs.6 lakhs as directed by the Sessions Court. He replied upon the decision of the Apex Court delivered in ***Appeal No.1436 of 2013 (arising out of Special Leave Petition (Cri.) No.2 of 2013)***. The Apex Court has observed that the condition of directing to deposit of Rs.1 crore in the name of the complainant and to keep FDR with the Investigating Officer as a condition precedent for grant of anticipatory bail is evidently onerous and unreasonable.

5. Learned APP submitted that the condition was imposed by the Sessions Court on considering role played by the applicant in the said crime.

6. Perused the documents on record, the applicant is directed to be released on bail on 22nd June, 2017, despite the fact he has continued to be in custody on account of the stringent condition of depositing an amount of Rs.6 lakhs. The order passed by the Sessions Court stipulates that the applicant shall deposit the earnest amount of Rs.6 lakhs. The Apex Court has in the aforesaid decision as categorically stated that such condition is onerous and reasonable. In the aforesaid circumstances, the condition no.1 imposed by the Sessions Court deserves to be relaxed.

:: ORDER ::

- (i) The application No.390 of 2017 is allowed in terms of clause (a) and thereby the condition imposed by the Sessions Court in the order dated 22nd June, 2017 directing the applicant to deposit earnest amount of Rs.6 lakhs stands relaxed and deleted.
- (ii) Other conditions shall remain intact.

[PRAKASH D. NAIK, J.]