

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.856 OF 2017

IN

BAIL APPLICATION NO.282 OF 2017

Shewanta Maruti Gaikwad ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

.....

Advocate Jyoti Joshi h/f. Mr.Nitin Sejpai, Advocate for the Applicant.

Ms.J.S.Lohokare, APP for the Respondent/State.

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CORAM : A.M.BADAR J.

DATED : 1st NOVEMBER 2017.

P.C. :

1 This is an application for modification of condition of the Order dated 08/08/2017 passed in Bail Application No.282 of 2017 by this Court.

2 Heard the learned Advocate appearing for the applicant. She submitted that the applicant, who is a lady is undergoing pre-trial detention despite bail order passed by this Court as she is not in a position to furnish surety in the sum of Rs.20,000/-. It is argued that the applicant is a sweeper by occupation and because of penury she is unable to secure her release.

3 The learned Additional Public Prosecutor opposed the application by contending that the offence alleged against the applicant is one punishable under Section 302 and 120-B of the Indian Penal Code and, therefore, the application is liable to be rejected.

4 Perusal of the Order passed by this Court granting bail to the applicant shows that the applicant is in custody since 2015. It is observed in the said Order that there is no evidence of conspiracy as against the present applicant. It is seen from the said Order that the applicant has not participated in the actual incident.

5 Considering the fact that the applicant is undergoing pre-trial detention despite ordering her release on bail by this Court because of inability to furnish surety, the following Order :

(i) The condition of the Order dated 08/08/2017 passed in Bail Application No.282 of 2017 in respect of furnishing one or two surety in the sum of Rs.20,000/- is relaxed and instead the applicant is permitted to furnish cash security in the sum of Rs.20,000/-.

(ii) The application is disposed of accordingly.

(A.M.BADAR J.)