

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

WRIT PETITION NO. 4087 OF 2017

Kisan @ Pappu Devishankar	...	Petitioner
V/s.		
The State of Maharashtra	...	Respondent

Mr.Moin Khan i/b. Ms.Anjali Awasthi for the Petitioner.
Mr.Rajan Salvi, A.P.P. for the Respondent-State.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 11th DECEMBER, 2017.

P.C. :

1] By this Writ Petition, the Petitioner is challenging the order dated 20th June, 2017 passed by the Court of Special Judge [under M.C.O.C. Act 1999 and N.I.A. Act 2000], City Civil and Sessions Court, Mumbai.

2] It is submitted that as per the order passed on 26th October, 2016, the Petitioner was released on bail upon furnishing P.R. Bond of Rs.50,000/- with one or two sureties to make up the said amount. In the said order, there was no condition that the surety should be the resident of Mumbai only. Despite that the Special Court has vide its

impugned order rejected the surety furnished by the Petitioner, namely, Udaysingh on the ground that he is from District Washim. Thereof, it is urged that the impugned order of the Special Court is not just, legal and correct and hence it is required to be set-aside.

3] It is further submitted that the Petitioner is already released on provisional bail of cash security of Rs.50,000/- and the matter is kept on 13th December, 2017 on which date the period for which he is released on bail will be expiring.

4] I have perused the impugned order passed by the Special Court and it reads as follows:

*“Address given by Accused but he is not residing there.
Surety is from District Washim havingn no proof
residence in Mumbai. Surety not found genuine.
Rejected..*

Sd/- 20.06.2017”

5] Thus, the perusal of the impugned order clearly reveals that the surety is not rejected only and merely on the ground that he is resident of District Washim but on the ground that he has not produced any proof of the residence of the address in Mumbai, where he has

stated that he is residing. In such situation, if the Special Court found that surety was not genuine, then no fault can be found in the impugned order passed by the Special Court. Hence, no interference is warranted therein.

6] Writ Petition stands accordingly dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]