

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4594 OF 2016

Uday Suresh Surve Petitioner

Versus

State of Maharashtra Respondent

Kiran Kulkarni a/w K. Padmashri i/by. Kulkarni & Associates for
Petitioner.

Ms. Pallavi Dabholkar, APP for Respondent/State.

CORAM : RAVINDRA V. GHUGE, J.
DATE : MARCH 15, 2017.

P.C.

. The Petitioner is aggrieved by the order dated 5/12/2016 passed by the learned Magistrate, by which the application presented on 5/12/2016 was not entertained by the learned Magistrate on the ground that the time to file the surety has lapsed.

2. The Petitioner appeared before this Court in an earlier Criminal Writ Petition No. 3885 of 2016. By order dated 18/11/2016, this Court permitted the Petitioner to file an application before the learned Magistrate for furnishing surety and if the said court was satisfied after verification of the said surety, it

would pass an appropriate order on the application. It is not disputed that this Court has not imposed any time frame upon the Petitioner.

3. The Petitioner then tendered his application on 19/11/2016. For the reasons recorded by the learned Magistrate, the said application was rejected, as the person furnishing the surety was not able to tell his address at Mumbai and place where he had worked with the Petitioner. He was an agriculturist residing at Fattapur, Tahsil Ner, District Yavatmal.

4. Now the Petitioner has moved an application on 5/12/2016 stating that he is willing to furnish solvent surety.

5. Having heard the learned Counsel for the Petitioner and the learned APP and having gone through the Petition before the Court, I find that the Petitioner is bound by the order of this Court dated 18/11/2016 and he would therefore have to furnish a proper surety as directed in the order granting bail which shall be to the satisfaction of the learned Magistrate after due verification. The Petitioner is stated to be in custody.

6. The learned APP submits that the Petitioner can move his application for presenting a proper surety and only after the learned Magistrate is satisfied upon due verification, proper orders would be passed by the said court.

7. Considering the above, this petition is disposed of with liberty to the Petitioner to file an application for furnishing the surety as is observed by this Court in its order dated 18/11/2016. Needless to state, only after the learned Magistrate is convinced after verification that it may proceed to pass an appropriate order on the said application. Until then, the Petitioner will continue to be in custody.

(RAVINDRA V. GHUGE, J.)