

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPP) NO.1347 OF 2017
IN
CRIMINAL APPLICATION (ABA) NO.776 OF 2016 (D)

Shaikh Yakub Sk. Habib and anr

..VS..

State of Maharashtra, through its Police Station Officer, Telhara Police Station,
Taluka and District Akola

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Ms Akshaya Kshirsagar, Counsel for the applicants.
Shri V.P. Gangane, Addl.P.P. for the non-applicant/State.

CORAM : V.M. DESHPANDE, J.
DATED : AUGUST 22, 2017.

This is an application for modification of order
dated 9.6.2017 passed by this Court.

Heard learned counsel Ms Akshaya Kshirsagar for
the applicants. She invited my attention to orders passed by
this Court dated 9.6.2017. By this order dated 9.6.2017, this
Court granted the anticipatory bail in favour of the present
applicants. While granting the anticipatory bail in favour of the
present applicants, this Court directed that the applicants, in
the event of their arrest, be released on bail on they executing
P.R. Bond in the sum of Rs.20,000/- with two solvent sureties in
the like amount. The said order further elaborates as to who
shall the sureties. As per the said order, sureties shall be the

.....2/-

mother of applicant No.1 and other shall be step-brother of applicant No.1.

By the present application, modification is sought in respect of replacing the surety of the step-brother of applicant No.1. According to the applicants, the step-brother of applicant No.1 is also one of the co-accused in the crime and, therefore, prayer is made that instead of surety of step-brother of applicant No.1, applicant No.1 is ready to give surety of one Imram Khan s/o Kalekha, cousin of applicant No.1.

Learned Additional Public Prosecutor Shri V.P. Gangane for the non-applicant/State fairly submits that said modification does not prejudice the prosecution.

Idea behind imposing a condition that application No.1's step-brother should the surety was for the purposes that close relative of applicant No.1 shall be his surety. However, since the step-brother himself is a co-accused, I see no reason not to accept the prayer made by the present applicants.

Hence, I pass the following order:

ORDER

i) The present application is allowed.

ii) Applicant No.1 is permitted to furnish the second solvent surety of Imram Khan s/o Kalekha, cousin of applicant No.1 instead of surety of the

step-brother of applicant No.1.

iii) To that extent only, order dated 9.6.2017 stands modified.

iv) With this, the criminal application is allowed and disposed of.

JUDGE

!! BRW !!