

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

CRIMINAL APPLICATION (APPP) NO.1746/2017
IN
CRIMINAL APPLICATION (BA) NO.647/2015 (D)

Anwar Hussain S/o Haji Ibrahim Hussain Khatri

..Vs..

State of Maharashtra, through Police Station Officer, Police Station Kala
Chowki, Mumbai

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

Court's or Judge's orders

Shri R.S. Akbani, Advocate for the applicant.
Shri N.R. Patil, A.P.P. for the respondent / State.

CORAM : Z.A. HAQ, J.

DATE : 1.11.2017.

Heard.

Criminal Application (BA) No.647/2015 filed by the applicant under Section 439 of the Code of Criminal Procedure was allowed on 14th March, 2016. Condition (ii) in paragraph No.8 of the order is that out of two solvent sureties, one solvent surety should be furnished by elder brother of applicant. Now this application is filed praying for modification of this condition. It is submitted that the elder brother of the applicant is not having immovable property in his name and, therefore, he is not in a position to stand as surety for the applicant. It is submitted that the mother of the applicant will stand surety for the applicant. On query as

to why the applicant has moved this application after more than 17 months, the learned Advocate for the applicant has stated that the applicant was in jail having been arrested in another crime, trial in that case is complete and applicant is acquitted and, therefore, now the applicant is entitled to be released on bail as per the order passed by this Court on 14th March, 2016.

Considering the facts of the case, condition No.(ii) in paragraph No.8 of the order passed on Criminal Application (BA) No.647/2015 on 14th March, 2016 is modified.

It is directed that out of two solvent sureties, one solvent surety be furnished by mother of applicant.

The criminal application is **allowed** accordingly.

JUDGE