

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 766 OF 2018

Altaf Rahemat Tamboli ... Appellant
Vs.
The State of Maharashtra ... Respondent

Mr. Gaurav Parkar, Advocate for the appellant.
Mr. V.B. Konde-Deshmukh, APP for the respondent/State.

CORAM: **S.S. SHINDE and**
MRS.MRIDULA BHATKAR, JJ.
DATE: **21st August, 2018.**

P.C.:

Since short point is involved and both the sides are before us,
we proceed to admit this Appeal.

2. Hence Admit.

3. Paper book dispensed with. With the consent of both sides, we
dispose of this Appeal by the present order.

4. This Appeal is brought by the appellant seeking to challenge
only that part of the order of the learned Sessions Judge, by which,
according to him, an onerous and excessive condition has been
imposed while enlarging him on bail. The order dated 16th January,

2016 has been passed below Exhibit 1 in Criminal Bail Application no. 677 of 2015.

5. Heard the learned counsel appearing for the appellant and the learned APP appearing for the State. It is not necessary to reiterate the facts. Suffice to say that while considering the Appeals filed by the co-accused in Criminal Appeal No. 123 of 2018 and Criminal Appeal 933 of 2017, for the discussions made therein and the reasons stated in paragraphs 9 and 10 of Criminal Appeal No. 933 of 2017 decided on 20th November, 2017, present Appeal also deserves to be allowed. Paragraphs 9 and 10 of Criminal Appeal No. 933 of 2017 read thus-

“9. By now it is well settled position that the direction to deposit amount as a condition precedent at the time of bail is not warranted. In this respect, reference can be made to the decision of the Apex Court in ***Sheikh Ayub vs. State of M.P. (2004) 13 SCC 457*** and ***Sandeep Jain vs. National Capital Territory of Delhi, (2000) 2 SCC 66.***

10. Taking totality of the facts and circumstances of the case into consideration, in our opinion, interest of justice would be

subservied by relaxing the condition of depositing the amounts so far as the applicants are concerned.”

6. The condition to deposit an amount of Rs.11,16,365/- by the appellant imposed by an order impugned in this Appeal is hereby relaxed.

7. The Appeal is allowed to the above extent and is disposed of accordingly.

(MRIDULA BHATKAR, J.)

(S.S. SHINDE, J.)