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

CRIMINAL APPLICATION NO. 509 OF 2018

Laxman Bapusaheb Vedpathak

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. A.B. Tajane for applicant.

Mr. N.B. Patil, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 22nd November 2018.

P.C.:

1] This is an application for relaxation of condition imposed upon the applicant by the learned Additional Sessions Judge, Pandharpur by its Order dated 28.2.2018 in Criminal Misc.Application No.88 of 2018 while releasing the applicant on bail.

By the said Order, the applicant has been directed to deposit Rs.10,40,000/- in the Court of Magistrate towards security against part of defalcated amount involved in the crime.

2] The learned counsel for the applicant submitted that, the applicant is a rickshaw driver by profession and hails from economically middle class strata of the society. It is therefore very difficult for the applicant to comply with the said onerous condition. He submitted that, despite there being Order of bail, the

applicant is still languishing in jail for last more than eight months.

3] The record indicates that, while releasing the co-accused Tukaram Koili in the same crime on bail, the Trial Court had imposed similar condition upon him and in compliance thereto the said accused has deposited Rs.10,40,000/- in the Court of concerned Magistrate.

4] Perusal of the impugned Order dated 28.2.2018 would indicate that it does not suffer from any error or illegality and the condition imposed upon the present applicant appears to have been just and proper. However, taking into consideration the submissions made by the learned counsel for the applicant, I am inclined to reduce the quantum of the said amount of Rs.10,40,000/- to Rs.5.00 lakhs.

5] Accordingly, the condition imposed upon the applicant to the extent of deposit of amount is modified and the applicant is directed to deposit Rs.5.00 lakhs in the Court of concerned Magistrate. Rest of the conditions imposed by the impugned Order are maintained and are not disturbed.

6] Application is allowed in the aforesaid terms.

All the concerned to act on an authenticated copy of this Order.

(A.S.GADKARI, J.)