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

***CRIMINAL APPLICATION NO.151 OF 2018
IN
CRIMINAL BAIL APPLICATION NO.130 OF 2018***

- | | | |
|----|-----------------------------------|----------------|
| 1. | Mitesh Mukund Chodankar | |
| 2. | Mitali Mukund Chodankar | ...Applicants |
| | Versus | |
| | The State of Maharashtra and Anr. | ...Respondents |

Mr.R.S.Gamare, i/b Mr.S.B.Sakat, for the Applicants.

Mr.A.A.Palkar, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 23rd MARCH, 2018

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the Applicants seek modification of the condition imposed by the learned Additional Sessions Judge, City Civil and Sessions Court, Borivali Division, Dindoshi, vide order dated 16th February, 2018.
3. The condition of which modification is sought, reads thus:-

“7.

2. Applicant/Accused No.1-Mitesh Mukun Chodankar and Applicant No.2-Mitali Mukund Chodankar be released on bail on execution of PR Bond of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one solvent surety in the like amount.”

4. Learned Counsel for the applicants submits that the applicants are unable to execute P.R. Bond of Rs.30,000/- each, with one solvent surety in the like amount, as directed. He submitted that despite the applicants having been enlarged on bail vide order dated 16th February, 2018, the applicants continue to languish in jail. He submitted that the applicants had preferred an application seeking modification of the said condition and for reduction of the surety amount, however, the said application was rejected by the learned Additional Sessions Judge, vide order dated 22nd February, 2018.

5. Perused the papers. The applicants have been arrested in

connection with C.R.No.327 of 2016, registered with the Borivali Police Station, Mumbai, for the alleged offences punishable under Sections 498(A), 406 r/w 34 of the Indian Penal Code. The applicant No.1 is the husband and the applicant No.2 is the mother-in-law of the complainant. The applicants were enlarged on bail by the learned Additional Sessions Judge, City Civil and Sessions Court, Borivali Division, Dindoshi, vide order dated 16th February, 2018 on execution of PR Bond of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one solvent surety in the like amount. It appears that the applicants continue to languish in jail, as they are unable to fulfill the said condition.

6. Accordingly, for the reasons mentioned in the application, the application is allowed and the condition set out in clause 2 of para 7, imposed by the learned Additional Sessions Judge, City Civil and Sessions Court, Borivali Division, Dindoshi, vide order dated 16th February, 2018, stands modified. Accordingly, the following order is passed:-

ORDER

(i) Applicant/Accused No.1-Mitesh Mukund Chodankar and Applicant No.2-Mitali Mukund Chodankar be released on bail on execution of PR

Bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with one or two sureties in the like amount;

(ii) The Applicants be released on cash bail in the sum of Rs.10,000/- each, for a period of four weeks;

(iii) The Applicants shall within the said period of four weeks, furnish P.R. Bond in the sum of Rs.10,000/- each, with one or two sureties in the like amount;

iv) The Applicants shall co-operate in the conduct of the trial.

7. The Application is allowed and disposed of in above terms.

8. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)