

Anand

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

CRIMINAL APPLICATION NO. 169 OF 2018

Bashir Yasin Shaikh .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. P. G. Pandey, Advocate, for the Applicant

Mrs. J. S. Lohokare, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 21.03.2018

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks modification of Clause 2 of the Order dated 13.11.2017 passed by the learned Additional Sessions Judge, Greater Bombay passed in B. A. No. 1683 of 2017. The Clause 2 of which modification is sought reads thus :-

“2. The applicant/accused be released on bail on executing P.R.Bond and surety bond of Rs.3,00,000/- (Rupees Three lakhs Only) with one or two solvent sureties in the like amount on a condition not to tamper the prosecution witnesses and to remain present before the investigating Officer on every Thursday between 10.00 A.M. to 2.00 P.M. till filing of the chargesheet and to co operate the investigation.”

3. Learned counsel for the Applicant submits that the Applicant is aged 63 years and is suffering from several ailments. He submits that although the Applicant has deposited provisional cash of Rs. 3,00,000/-, the Applicant is unable to furnish one or two solvent sureties in the like amount. He submits that the Applicant had pledged his wife's jewellery to secure the said amount of Rs. 3,00,000/- and as such, requires the money for his medical illness.

4. Learned APP opposes the Application.

5. Perused the papers. The Applicant has been enlarged on bail by the Sessions Court vide Order dated 13.11.2017. He submits that the Applicant was only an agent in the said transaction and that both, the buyer and the seller have registered an FIR against him.

6. Considering the peculiar facts of this case, the Application is allowed and the condition No. 2 imposed by the learned Additional Sessions Judge vide Order dated 13.11.2017 in B. A. No. 1683 of 2017 stands modified to the extent that the Applicant shall now be released on bail on executing P. R. Bond and surety bond of Rs. 25,000/- with one or two sureties in the like amount. It is informed that the Applicant

has deposited Rs. 3,00,000/- towards provisional cash bail.

7. Accordingly, Rs. 3,00,000/- be returned back to the Applicant on the Applicant making an appropriate Application before the appropriate Court, after the Applicant executes P. R. Bond and Surety Bond of Rs. 25,000/- with one or two sureties in the like amount. The Applicant shall abide by rest of the conditions that have been imposed by the learned Sessions Judge vide Order dated 13.11.2017. The Applicant shall also deposit his passport, if not deposited in the Sessions Court within two weeks from today.

8. Accordingly, the Application is disposed of.

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

(REVATI MOHITE DERE, J.)