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

**CRIMINAL APPLICATION NO. 712 OF 2018
IN
CRIMINAL APPEAL NO. 273 OF 2018**

Hanumant Balasaheb Walunj

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Amit Munde for applicant.

Smt. Anamika Malhotra, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 25th APRIL 2018.

P.C.:

1] By this application, the applicant has challenged the Order dated 20th April 2018 passed by the learned Special Judge in C.B.I. Case No.62 of 2010, thereby rejecting the application for seeking time to furnish sureties and sending the applicant to jail under conviction warrant.

2] Heard the learned Counsel for the applicant. Perused the record.

3] It is to be noted here that, by an Order dated 27th March 2018 passed by this Court, the substantive sentence imposed upon the applicant

is suspended and the applicant is directed to be released on bail on certain terms and conditions. As the substantive sentence imposed upon the applicant is already suspended by this Court, the Trial Court ought to have granted some breathing period to the applicant for furnishing sureties and/or to comply with legal formalities in that behalf. It appears that, the same has not been done by the Trial Court and despite there being bail granted by this Court, sent the applicant to jail. It appears to me that, the Trial Court has committed error in doing so. It further appears that that, while suspending the substantive sentence this Court has not prescribed any limitation for furnishing sureties, but it can be safely presumed and inferred that the applicant ought to have furnished the sureties within a reasonable period and therefore the observation of the Trial Court that though the limitation has expired the applicant has not complied with the Order passed by this Court, is not correct.

4] In view of the above, the following Order:-

- (i) the Order dated 20th April 2018 passed by the Trial Court is quashed and set aside.
- (ii) The applicant is directed to be released on bail on his furnishing P.R. Bond of Rs.25,000/- with cash bail of Rs.25,000/- immediately after

the receipt of the present Order.

(iii) The applicant is directed to furnish solvent sureties as per Order dated 27.3.2018 within a period of eight weeks from date his release from jail.

5] Application is allowed in the aforesaid terms.

All the concerned including the Jail Authority to act on an authenticated copy of this Order and shall not insist for certified copy of the Order.

(A.S.GADKARI, J.)