

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.547 OF 2018

Mukesh Prajapati Sain

Applicant

versus

The State of Maharashtra

Respondent

Mr.Amit Munde for applicant.

Mr.A.R.Patil, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 6th July 2018

PC :

1. The applicant was granted bail by the Court of Additional Sessions Judge, Mumbai by order dated 21st November 2016 in connection with CR No.254 of 2015 registered with Nagpada Police Station. While granting bail the learned Judge has imposed certain conditions and one of the condition is that the applicant-accused shall not leave Mumbai without prior permission of the Court. Pursuant to the order granting bail, the applicant furnished documents for execution of bail bond. The documents were verified. On 21st March 2017 the learned Sessions Judge passed an order accepting the surety subject to compliance of condition no.2(e) by providing residential proof at Mumbai and remove the office objections.

2. Condition 2(e) as stated above relates to the fact that applicant shall not leave Mumbai without permission of the Court. It would come into operation after the applicant avails bail facility. The

Sessions Court has already accepted the surety subject to applicant supplying proof of residential address of Mumbai. It is pertinent to note that the applicant is granted bail by the Sessions Court on 21st November 2016 and in spite of that he continues to be in custody. It is submitted that he is not permanent resident of Mumbai. The permanent address has been mentioned in the cause title of this application. Learned counsel for applicant, however, on instructions, submits that pursuant to availing the bail facility, the applicant would reside at his friend's place. He has attached the copy of electricity bill which mentions the address of his friend where the applicant would reside after availing the bail facility. The address is as follows :

“Kishor Chumbale, Snehwardhak Chawl 2, Comtt;
M.S.Patilwadi, Ghetle Village, Chembur, Mumbai-400071.”

3. In the circumstances, the Sessions Court is directed to accept the sureties on taking on record the aforesaid address. Criminal Application No.547 of 2018 is disposed off.

(PRAKASH D. NAIK, J.)

MST