

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 307 OF 2018**

Sanjay s/o. Omprakash Sharma

.....Applicant

Vs.

The State of Maharashtra

....Respondent.

Mr. Abhishek Gupta I/by Mr. A.M. Saraogi for the Applicant.

Mr. S.S. Hulke, APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 13th JULY, 2018.****P.C.:-**

This is an Application for modification of condition No.2 imposed upon the Applicant while releasing him on bail by the learned Additional Sessions Judge, Greater Mumbai, by its Order dated 21st June, 2016 passed in Bail Application No.1023 of 2016.

The said condition No.2 reads as under-

“2. The applicant namely Sanjay S/o. Omprakash Sharma be released on PB and SB of Rs.3 lacs with one or more sureties in like amount, out of which at least one shall be local surety.”

2 As the Applicant could not comply with the said condition, the Applicant filed an Application bearing Miscellaneous Application No. 818 of 2018, before the concerned Court, however, the same has

been rejected by an Order dated 23rd April, 2018 on the ground that, the Applicant is a habitual offender and is involved in 17 other similar type of offences.

3 The learned counsel appearing for the Applicant submitted that, if the said amount of bail of Rs.3 lakhs of solvent surety bond is reduced appropriately, the Applicant will be able to avail the benefit of bail granted to him.

4 It is a matter of fact on record that, by an Order dated 21st June, 2016, the Applicant has been directed to be released on bail by the learned Additional Sessions Judge, Greater Mumbai and it is the only because of the said onerous condition, the Applicant is unable to come out of jail till date for the last about two years.

5 After taking into consideration the fact that despite there being an order of bail in favour of the Applicant dated 21st June, 2016, the Applicant is unable to avail the same due to aforestated condition, I am inclined to modify the said condition.

Hence the following Order-

The Applicant Sanjay S/o. Omprakash Sharma be released on bail on his furnishing PR bond of Rs.50,000/- with one or more solvent local sureties to make up the said amount.

Rest of the conditions imposed upon the Applicant by Order dated 21st June, 2016, by the learned Additional Sessions Judge, are not disturbed.

6 Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)