

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

**CRIMINAL APPLICATION NO.991 OF 2018
IN
CRIMINAL BAIL APPLICATION NO.13 OF 2018**

Mahidul Samser Biswas ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr.R.R.Varma with Mr.Sanket Thorat for the Applicant.
Mrs.G.P.Mulekar, APP for the Respondent/State.

**CORAM : PRAKASH D. NAIK, J.
DATE : SEPTEMBER 12, 2018.**

P.C.:

Not on board. Taken on board.

1. This is an application for modification of the order dated 16th January, 2018 granting bail. The applicant was released on bail in C.R.No.406 of 2017 on furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount. The applicant is also directed to attend the concerned police station on every Monday between 11.00 a.m. to 1.00 p.m. initially for a period of six months and thereafter, on every first Monday of the month between 11.00 a.m. to 1.00 p.m. till the conclusion of trial.

2. It is submitted that the applicant has attended the police

station as directed by this Court. However, the applicant was not in a position to arrange sureties as directed by this Court. It is submitted that applicant is permanent resident of West Bengal which is fortified by several documents such as Aadhar Card and Election card. It is submitted that since the applicant could not arrange for sureties as directed by this Court, he preferred Criminal Application No.453 of 2018. Considering this fact that the applicant was in custody despite order of bail, applicant was directed to be released on cash bail of Rs.50,000/- for a period of two weeks from the date of order and during the said period he was directed to comply the condition of sureties in accordance with order dated 16th January, 2018. It is submitted that the applicant has submitted cash security of Rs.50,000/-, however, he could not arrange solvent local sureties. He tried to furnish some sureties which application was rejected by the Court. Considering the nature of the offence in which the applicant was involved, it will not be appropriate to allow the applicant to be released on bail only on furnishing cash security. The applicant was in Jail for 11 months and have been granted bail on 16th January 2018. He has furnished cash security in the sum of

Rs.50,000/-. In the circumstances, the order can be modified to the following extent:

ORDER

- (i) Order dated 16th January, 2018 is modified to the extent that the applicant be released on bail on furnishing PR bond of Rs.15,000/- with one surety in the like amount and cash security of Rs.50,000/-. The cash amount deposited by the applicant be adjusted in the condition to deposit cash security.
- (ii) This order be complied within a period of four weeks from today.
- (iii) The other conditions shall remain intact.

(PRAKASH D. NAIK,J.)

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Priya Rajesh
Soparkar

Digitally signed by
Priya Rajesh Soparkar
Date: 2018.09.19
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