

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

CRIMINAL APPLICATION NO. 457 OF 2018

Imamul Jainul Shaikh

... Applicant

Vs.

State of Maharashtra

... Respondent

...

Ms. Sandhya Mailagir I/by Mr. Anil D. Joshi for the applicant.

Mr. A.R. Kapadnis, APP for the Respondent-State.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 1st NOVEMBER, 2018.

P.C.

1. This is an application for relaxation of condition imposed by the Court while granting bail. The applicant and other two accused had preferred a joint application for bail before the Sessions Court Vasai. By order dated 19th May, 2018, the applicant and co-accused were directed to be enlarged on bail of Rs.2,00,000/- each on executing Personal Bond alongwith one solvent surety each in the like amount on the condition that the accused shall deposit Rs.1,06,00,000/- before the trial Court. Several other conditions were also stipulated in the order while granting bail. Applicant preferred an application for relaxation of condition in respect to deposit of amount before the Sessions

Court which has been rejected on 4th July, 2018. From bail order, it also appears that the advocate representing the accused had submitted that they are ready to pay an amount of Rs.1,06,00,000/- which was accepted by way of cheque. Learned counsel for the applicant submits that assuming that applicant is required to deposit the amount, his liability was limited and the applicant cannot be directed to deposit the huge amount alongwith other accused as stated in order dated 19th May, 2018. Learned counsel for the applicant submits that Sessions Court ought not to have imposed such onerous condition. It is also submitted that documents on record strict of limited liability of the applicant.

2. Learned APP submitted that in the light of the submission of the advocate for the applicant, learned Sessions Court be directed to consider the application of the applicant independently for relaxation of condition before the Sessions Court.

3. In the circumstances, the applicant is directed to prefer an application for relaxation of condition before the Sessions Court. In the event, applicant to prefers fresh application for relaxation of condition of deposit, the Court shall decide the same on merits in accordance with law.

4. Application stands disposed off.
5. Parties to act on an authenticated copy of this order.

(PRAKASH D. NAIK, J.)

Sachidanand
Kuttan Nair

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by Sachidanand
Kuttan Nair
Date: 2018.11.03
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