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

CRIMINAL APPLICATION NO.535 OF 2017

1. Shahjahan Moin Khan	
2. Mohammed Soheli Khan	...Applicants
Versus	
The State of Maharashtra	...Respondent

Ms.Ruby Tahir Shaikh, for the Applicants.

Ms.J.S.Lohokare, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 5th APRIL, 2018

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the Applicants seek modification of the condition set out in clause 2 of para 4 of the order dated 3rd February, 20017, passed by the learned Additional Sessions Judge, Bombay, in Anticipatory Bail Application No.174 of 2017.
3. The condition of which modification is sought, reads thus:-
 - “4.

2. In the event of arrest by Shivaji Nagar Police station in crime no.24/17, applicants Shahjahan Moin Khan and Mohammed Sohel Khan be released on each executing P. R. Bond of Rs.30,000/- with solvent surety in the like amount on following conditions.....”

4. Learned Counsel for the applicants submitted that since the applicants were unable to execute P.R.Bond of Rs.30,000/- with solvent surety in the like amount, the applicants filed an application seeking modification of the aforesaid condition, however, the same was rejected by the learned Additional Sessions Judge, Bombay, vide order dated 18th August, 2017. Learned Counsel for the applicants submitted that the applicants, due to mis-communication could not comply with the order dated 3rd February, 20017 and subsequently thereto, have been regularly attending the concerned police station, till date, as directed by learned Additional Sessions Judge, Bombay. It appears that it is not possible for the applicants to give P.R.Bond of Rs.30,000/- with solvent surety in the like amount as directed vide aforesaid order dated 3rd February, 2017.

5. Accordingly, for the reasons mentioned in the application, the application is allowed and the condition set out in clause 2 of para 4, imposed by learned Additional Sessions Judge, Bombay, vide order dated 3rd February, 20017, passed in Anticipatory Bail Application No.174 of 2017 is modified inasmuch as, the applicants are now permitted to execute P.R.Bond of Rs.30,000/- with one or more solvent sureties in the like amount. Rest of the conditions imposed vide order dated 3rd February, 20017, to remain as it is.

6. The Application is allowed and disposed of in above terms.

7. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)