

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

CRIMINAL APPLICATION NO. 506 OF 2018

Rushikesh Gopal Gaikwad and Anr. ... Applicants
Vs.
State of Maharashtra ... Respondent

...

Mr. Ratna Jaiswal for the applicant.
Mr. Arfan Sait, APP for the Respondent-State.

...
CORAM : PRAKASH D. NAIK, J.
DATE : 3rd OCTOBER, 2018.

P.C.

1. Not on board. Taken on board.
2. The applicant is seeking modification of order dated 15th June, 2018 passed by the Ad-hoc Additional Sessions Judge, City Civil Court, Gr. Mumbai in Bail Application No. 1053 of 2018.
3. The applicant was directed to be released on bail in connection with C.R. No. 209 of 2018 registered with Vakola Police Station for the offences punishable under Sections 353, 333, 323, 504 and 34 of Indian Penal Code. The applicant had preferred an application for bail before the Sessions Court which was allowed by order dated 15th June, 2018. The applicants were directed to be released on bail on furnishing P.R. Bond of

Rs.25,000/- each with one or two solvent sureties in the like amount. The Court also imposed other conditions of making themselves available for interrogation by police as and when required as well as shall not directly or indirectly, make any inducement threat or promise to any person acquainted with facts of the accusation against applicants.

4. The applicants could not furnish the surety and hence application for modification of the order was preferred before the Sessions Court. It was contended that the complainant is the police officer and the applicants could not obtain solvent surety in the sum of Rs.25,000/-. It is further submitted that in the meantime applicant had preferred an application before the Sessions Court seeking permission to furnish the cash security, it was allowed. It is submitted that surety amount of Rs.25,000/- be reduced to Rs.15,000/- as the applicant would not be required to furnish solvency certificate for furnishing the surety. Application for modification of the order was rejected by the Sessions Court on 20th July, 2018.

5. Considering the fact that applicants were granted bail on certain conditions and for the reasons stated in the application and submissions of advocate for applicant, the order passed by the

Sessions Court can be modified. Hence, I pass the following order.

ORDER

- i. The order dated 15th June, 2018 passed by Ad-hoc Additional Sessions Judge, City Civil Court, Gr. Mumbai in Bail Application No. 1053 of 2018 is modified to the extent that the applicants are directed to be released on bail on furnishing P.R. Bond of Rs.15,000/- each with one or more sureties in the like amount.
- ii. The other conditions are kept intact.
- iii. Application stands disposed off.

(PRAKASH D. NAIK, J.)

Sachidanand
Kuttan Nair

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by Sachidanand
Kuttan Nair
Date: 2018.10.04
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