

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

CRIMINAL APPLICATION NO. 516 OF 2018

Gulamkuddus Jeaiul MollahApplicant

V/s.

The State of MaharashtraRespondent

Mr. Santosh S. Musale for the applicant.

Mr. S.S. Pednekar, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 09th OCTOBER, 2018.

P.C.:

. This is an application filed by the applicant for modification of the condition no.2 imposed by the learned Additional Sessions Judge, Pune while releasing him on bail in C.R.No.122/2017 registered at Sahakarnagar Police Station, Pune vide order dated 13/07/2018.

2. Heard Mr. Santosh S. Musale, learned counsel for the applicant and Mr. S.S. Pednekar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The records prima facie reveals that the applicant was arrested in the aforesaid crime for committing offences punishable under sections

376, 363, 366A, 374, 370, 341, 342, 323, 367, 467, 468, 471 r/w. 34 of the Indian Penal Code and under sections 4, 6, 17 of the Protection of Children from Sexual Offences Act, 2012 and under sections 3, 4, 5, 6, 7 of Immoral Traffic (Prevention) Act, 1956.

4. The learned Additional Sessions Judge, Pune granted bail to the applicant and has ordered release of the applicant on furnishing P.R. bond of Rs.5,00,000/- with two sureties in the like amount. Grant of bail and imposition of bail conditions is an exercise of judicial discretion which should be based on sound judicial principles. Hence, the bail condition should not be arbitrary, mechanical or unjust. It has to be borne in mind that imposition of onerous or oppressive condition amounts to denial of justice. As in the present case, despite the order in his favour, the applicant continues to remain in jail as he was unable to comply with the condition no.2 of the said order.

5. Considering the above facts and circumstances, condition no.2 imposed by the learned Additional Sessions Judge, Pune in the order dated 13/07/2018 is set aside. The applicant is ordered to be released on bail on furnishing P.R. bonds of Rs.50,000/- (Rupees Fifty Thousand) with one or more solvent sureties in the like amount.

6. Criminal Application stands disposed of accordingly.

(SMT. ANUJA PRABHUDESSAI, J.)