

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.631 OF 2016

1) DILIPKUMAR RADHAKISHAN DALMIYA)
)
2) SMT.KUSUM DILIPKUMAR DALMIYA)...APPLICANTS

V/s.

THE CENTRAL BUREAU OF INVESTIGATION)
AND ANOTHER)...RESPONDENTS

Ms.Sanjana Pardeshi i/b. Law Global Advocates, Advocate for the Applicants.

None for the Respondent No.1.

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

CORAM : A. M. BADAR, J.

DATE : 12th JULY 2018

P.C. :

1 This is an application for modification of condition of
the order releasing appellants/accused on bail during pendency of
the appeal filed by them, challenging their conviction for offences

punishable under Sections 120B read with 420, 468, 471 of the Indian Penal Code read with Sections 5(2), 5(1)(d) of the Prevention of Corruption Act, recorded by the learned trial court.

2 Heard the learned counsel appearing for appellants/accused. None appeared for respondent no.1/Central Bureau of Investigation. The learned APP appears for respondent no.2/State.

3 While admitting the appeal on 29th October 2002, this court had directed release of appellants/accused on the same bail with fresh bonds. It is seen that because of old age, there was an application for replacement of the surety. The learned trial court, however, on 29th July 2016 observed that while admitting the appeal this court has directed release of appellants/accused on same bail but upon executing fresh bonds. With this, the learned trial court directed appellants/accused to furnish another surety within one month from the date of the order.

4 It is seen that appellants/accused are residents of West Bengal and they are unable to furnish surety at Mumbai. Therefore, they want to furnish cash security of Rs.25,000/-.

5 As appellants/accused are unable to furnish surety, they being residents of some other State, the application deserves to be allowed. Therefore, the order :

ORDER

- i) The application is allowed.
- ii) Appellants/accused are permitted to deposit cash security of Rs.25,000/- by each of them, in lieu of furnishing another surety in place of Pannalal Poddar.
- iii) The application is accordingly disposed of.

Arti
Vilas
Khatate

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(A. M. BADAR, J.)