

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1250 OF 2018
IN
CRIMINAL BAIL APPLICATION NO.1413 OF 2017

Gulab Kapildeo Yadav
versus
The State of Maharashtra

Applicant

Respondent

Mr.R.V.Gupta for applicant.
Mr.Arfa Sait, APP, for State.
Mr.Rathod, PSI, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 23rd October 2018

PC :

1. This is an application for relaxation of bail condition imposed in order dated 22nd February 2018 passed by this Court in Bail Application No.1413 of 2017. The applicant was directed to be released on bail in CR No.432 of 2016 registered with Vile Parle Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount. It was also directed that the applicant shall not enter the jurisdiction of Vile Parle Police Station till conclusion of trial after release from jail. The applicant was also directed to provide documents pertaining to his prospective residential address to the police station before his release from jail. He was also directed to attend the concerned police station as well as the Court on the date of hearing of the case.

2. Learned advocate for applicant submitted that although bail has been granted by this Court, the applicant has continued to be in

custody for not furnishing the sureties in accordance with order dated 22nd February 2018. It is submitted that the applicant is resident of Jogiraho, Taluka-Patherdeva, District Deoria, Uttar Pradesh. He has no relations in Mumbai and thus he is not in a position to furnish one or two local solvent sureties, as directed by this Court while granting bail. It is also submitted that the applicant is not in a position to arrange surety of Rs.25,000/-. He has relied upon electronic print of ration card certificate issued by Gram Panchayat Pandeypur and the election card which reflects the address of the applicant. It is apparent that the applicant is the permanent resident of Jogiraho, Taluka-Patherdeva, District Deoria, Uttar Pradesh. It is stated that the applicant is in custody from 3rd January 2017.

3. Although the applicant is granted bail by order dated 22nd February 2018, he continued to remain in custody on account of not furnishing the sureties. Apparently the applicant is not in a position to arrange solvent local sureties as stipulated in the order dated 22nd February 2018. The applicant is permanent resident of Uttar Pradesh. Taking into consideration the aforesaid circumstances, I pass following order :

ORDER

(i) Criminal Application No.1250 of 2018 is allowed and disposed off;

(ii) Clause-(a) of the order dated 22nd February 2018 passed in Bail Application No.1413 of 2017 is modified and the applicant is directed to be released on bail in CR No.432 of 2016 dated registered

with Vile Parle Police Station, Mumbai, on his furnishing PR bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

(iii) Rest of the bail conditions stipulated in order dated 22nd February 2018 remains intact and in force.

(PRAKASH D. NAIK, J.)

MST