

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.609 OF 2018

Anil R. Pawar	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Niranjan S. Mundargi I/by D.H.Shukla for applicant.
Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 3rd December 2018

PC :

1. This is an application for modification of order dated 2nd April 2018 passed by learned Additional Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai in Bail Application No.32 of 2018 in CR No.60 of 2014.

2. The applicant was arrested in connection with CR No.60 of 2014 investigated by EOW, Unit-1, Mumbai for offences under Sections 465, 467, 468, 471, 409, 419, 420 r/w Section 120B of Indian Penal Code. The applicant was also arrested in connection with CR Nos.61 of 2014 62 of 2014.

3. The applicant preferred application for bail which was allowed vide order dated 2nd April 2018 and the applicant was directed to be released on PB of Rs.2,00,000/- with solvent surety of like amount, in addition to cash security of Rs.1,00,000/- and on depositing Rs.9,00,000/-. The Court also imposed other conditions. From the tenor of the order dated 2nd April 2018 it appears that the applicant

filed an undertaking/purshis stating that the applicant shall deposit Rs.9,00,000/- in the Court within one year from the date of release as the applicant is in custody from 3rd June 2014. Learned Magistrate proceeded to observe that considering the undertaking of the applicant and the willingness shown by him to pay the amount, it is proper to release him on bail. However, as stated above, apparently deposit of Rs.9,00,000/- was precondition for releasing him on bail. Thus, the applicant continues to be in custody. In the circumstances, the applicant preferred Miscellaneous Application before the Sessions Court for modification of the said order which was rejected on 12th October 2018.

4. The applicant had also preferred application for modification of bail order granted in connection with other cases before Sessions Court. Learned counsel for applicant drew my attention to order dated 12th October 2018 passed in Miscellaneous Application Nos.1840 of 2018, 1857 of 2018 and 1858 of 2018. Pertinently in the said orders the applicant was permitted to deposit the said amount within one year after his release on bail.

5. The undertaking/purshis which was tendered in the present case also indicates that he would deposit Rs.9,00,000/- within one year from the date of his release on bail. Apparently learned Magistrate has considered the said submission, however, the operative order directed him to deposit Rs.9,00,000/- without granting him time to deposit the said amount.

6. In the light of the aforesaid circumstances the order dated 2nd April 2018 can be modified by permitting the applicant to deposit

Rs.9,00,000/- within one year from the date of his release. Hence, I pass following order :

ORDER

- (i) The order dated 2nd April 2018 passed by learned Additional Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai in Bail Application No.32/BA/2018 arising out of CR No.60 of 2014 registered with EOW, Unit-1, Mumbai, is modified and the applicant is permitted to be released on PB of Rs.2,00,000/- with solvent surety of like amount in addition to cash security of Rs.1,00,000/- and on depositing Rs.9,00,000/- within one year from the date of release;
- (ii) Rest of the conditions imposed vide order dated 2nd April 2018 will remain intact;
- (iii) Criminal Application No.609 of 2018 is disposed off.

(PRAKASH D. NAIK, J.)

MST