

Vidya Amin.

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

CRIMINAL APPLICATION NO. 1318 OF 2018

Amrita Christopher Mathews ... Applicant
VS.
The Central Bureau of Investigation & Anr. ... Respondents

Mr. Sandeep R. Karnik, Advocate for the applicant.
Mr. H.S. Venegaokar, Advocate for respondent no. 1/CBI.
Mr. A.R. Patil, APP for respondent no. 2/State.

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: 1st November, 2018**

P.C. :

Upon mentioning, taken on production board.

2. This Application is moved under section 482 of Cr.P.C. for quashing and setting aside the order dated 31st October, 2018 passed by the Special Judge, CBI rejecting the prayer for extension of time to furnish surety.

3. The applicant/accused was granted bail on 25th October, 2017 by the Special Judge-CBI, Greater Bombay in Special Case No. 64 of 2015 by which the applicant/accused was released on executing PB and SB of Rs.5,00,000/- with one or more solvent sureties of the like amount. By the order dated 14th February,

2018, the learned Special Judge, CBI on hearing Application Exhibit 86, has granted four weeks time for furnishing solvent surety, till then applicant/accused was released on PB of Rs.5,00,000/- and cash surety of Rs.5,00,000/-. The applicant/accused has deposited cash amount of Rs.5,00,000/-, however, he could not produce solvent sureties within four weeks, i.e., upto 14th March, 2018.

4. As per the submissions of learned counsel for the applicant/accused, the applicant was in prison in some other offence and she came out of the jail on 22nd October, 2018. Thereafter, she attended the Court date in Special Case No. 64 of 2015 on 31st October, 2018 and applied for post-facto extension of time for furnishing solvent surety of Rs.5,00,000/-. The said application was rejected and the applicant was taken in custody again on 31st October, 2018. The learned counsel submitted that the applicant/accused was in jail throughout in other case and therefore, she could not arrange for solvent surety. He submitted that the applicant is ready to furnish solvent surety if time of four weeks is given to her. The cash surety of the applicant is still lying in the Sessions Court.

5. The learned counsel Mr. Venegaokar for CBI submits to the order of the Court.
6. In view of the submissions of learned counsel and the facts of the case, following order is passed:
 - (i) Application is allowed;
 - (ii) The applicant/accused is released on bail on same cash bail amount of Rs.5,00,000/- which is already paid and lying with the Sessions Court, Mumbai and time to furnish solvent surety is extended till 5th December, 2018.
 - (iii) If solvent surety is not furnished within the stipulated time, the bail granted to the applicant is to be vacated and the applicant is to be taken in custody.
7. Criminal Application is disposed of on above terms.
8. Parties to act upon the authenticated copy of this order.

(MRIDULA BHATKAR, J.)