

Vidya Amin.

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

CRIMINAL WRIT PETITION No. 5183 OF 2018

Capt. Prabhat Kumar Jha & Anr. ... Petitioners
VS.
The State of Maharashtra ... Respondent

Mr. Subhash Jha a/w. Ms. Sanjana Pardeshi, Mr. Hare Krishna Mishra, Mr. Ashish Jha I/b. Law Global, Advocates for the petitioners.

Mr. Yogesh Y. Dabke, APP for the respondent/State.

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: 26th November, 2018**

P.C. :

This Writ Petition is directed against the order dated 15th November, 2018 and 17th November, 2018 wherein NBW was issued against the accused and also the order dated 1st November, 2018 where the Metropolitan Magistrate has directed the accused to furnish the surety as directed by the High Court by order dated 19th December, 2017 while granting interim anticipatory bail in Anticipatory Bail Application No. 2198 of 2017. The said Anticipatory Bail Application was subsequently allowed to be withdrawn by order dated 29th October, 2018.

2. The learned counsel Mr. Jha submitted that both the

applicants have already deposited Rs.10,000/- each in cash towards the compliance of the order. He submitted that instead of solvent surety, the applicants be allowed to deposit cash bail of Rs.50,000/- each.

3. This Writ Petition is allowed. The petitioners are directed to deposit remaining amount of Rs.40,000/- each in the Magistrate Court and also directed to remain present on the next date, i.e., 21st January, 2019 or on any other date before that with the permission of the trial Court. Till then, no coercive action is to be taken against the applicants/accused. The learned Metropolitan Magistrate to take note of this order of allowing cash surety and after seeking the attendance of the applicants/accused, may pass necessary order in respect of cancellation of NBW. Unless the applicants/accused appear before the Metropolitan Magistrate Court, it is made specifically clear that NBW will not be cancelled.

(MRIDULA BHATKAR, J.)