

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

CRIMINAL APPLICATION NO. 661 OF 2018

Asheesh Prathviraj Jaiswal ... Applicant
Vs.
The State of Maharashtra & Anr. ... Respondents

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Mrs. Ratna R. Jaiswal for the applicant.
Mr. M.G. Patil, APP for the Respondent-State.

...

CORAM : PRAKASH D. NAIK, J.
DATE : 12th DECEMBER, 2018.

P.C.

1. The applicant was granted bail by the 14th Judicial Magistrate First Class, Vashi vide order dated 27th October, 2018 in connection with C.R. No.I-321 of 2018 registered with Rabale, MIDC Police Station. The applicant was directed to be released on bail on executing P.R. Bond of Rs.15,000/- each surety/sureties in the like amount. It is submitted that in pursuant to the said order, the applicant had submitted requisite documents for furnishing surety. In the meantime, the applicant had also preferred an application for furnishing cash security and the applicant was permitted to furnish cash security by order dated 27th October, 2018 in the sum of Rs.10,000/- subject to condition that applicant shall furnish surety within 15 days. It is submitted that application for surety has been rejected on the ground that property which

was given as security while executing surety bond was unauthorized. Learned counsel for the applicant submits that other documents which satisfied the requirement of surety were tendered and it was not necessary to tender any document with regards to immovable property. Learned counsel for the applicant relied upon the decision of this Court delivered in *Misc. Application No. 1438 of 2012 (Khalil Ahmed Shaikh -Vrs- The State of Maharashtra)* on 9th January, 2013 wherein it was observed that insistence upon the possession of immovable property by sureties in bonds of small amounts not exceeding Rs.15,000/- would cause serious inconvenience. Hence, upto Rs.15,000/- the surety need not even have any immovable property.

2. In view of the decision of this Court and the factual aspect as pointed out by the learned counsel for the applicant, the trial Court is directed to accept the surety, in the event, the applicant satisfies the Court by fulfilling the requirement of surety without furnishing any document in relation to immovable property.

3. Application stands disposed off.

(PRAKASH D. NAIK, J.)