

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

CRIMINAL APPLICATION NO. 685 OF 2018

Vrushal Avinash Nagarkar

...Applicant.

Vs.

The State of Maharashtra

...Respondent.

Mrs. V.R.Rege for the Applicant.

Ms.Rutuja Ambekar, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE 20th December, 2018

PC :

1. This is an application for modification of condition imposed upon the applicant by the learned Additional Sessions Judge, Nashik by its Order dated 30.10.2018 while releasing the applicant on bail.

By the said order the learned Additional Sessions Judge, Nashik has imposed a condition that, the applicant be released on bail on his executing PR and S.B. of Rs.50,00,000/- (Rupees Fifty Lakhs only) and with further condition of his depositing an amount of Rs.2,00,00,000/- (Rupees Two Crores only) in two equal installments within a period of two months after

depositing the amount of Rs.1,00,00,000/- (Rupees one crore), at the time of executing PR and SB bond.

2. Heard the learned counsel for the applicant and the learned APP.

3. The first information report itself mentions that, the applicant was introduced by the owners of the firm namely Mahesh Mirajkar and Harshal Naik to be the expert workers employed in the said firm. The learned counsel for the applicant submitted that, the applicant in fact, was working as Accounts Executive and was maintaining the accounts of the said firm. He has no direct role to play either in inducing investors to deposit the amount and/or to have any financial transaction independently thereof. The record further indicates that, co-accused namely Suresh Bhaskare who was also employed in the said firm as Sales Manager has been granted pre-arrest bail by this Court on the condition that, he shall be released on bail on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

4. As far as condition for bail imposed upon the applicant is concerned, it is prima facie apparent that the applicant being an expert worker/Accounts Executive employed with the said firm, it is impossible for him to comply with the said condition of deposit of Rs.2.00 Crores and also

execution of PR and SB bond of Rs.50.00 lacs. The said condition imposed upon the applicant would practically amount to denial of bail. The said condition qua the owners of the said firm would perhaps have been justified in view of the fact that, the present offence is an economic offence. The applicant being ordinary employee of the said firm, the said condition undoubtedly is onerous and as it is highly difficult to comply with the same.

5. In view thereof, the said two conditions imposed upon the applicant by Order dated 30.10.2018 by the Trial Court are hereby set aside and the applicant is directed to be released on bail on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

6. The condition to deposit the amount of Rupees Two Crores, is also quashed and set aside.

Application is allowed in the aforesaid terms.

7. All the concerned to act on a copy of this Order duly authenticated by the registry of this Court.

(A.S. GADKARI, J.)