

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1547 OF 2018
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2204 OF 2016

Vilas Chandrakant Gaokar

Applicant

versus

The State of Maharashtra

Respondents

Mr.P.S.Abrol for applicant in APPP.1547 of 2018.

Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 14th December 2018

PC :

1. The applicant had preferred Anticipatory Bail Application No.2204 of 2016 before this Court in connection with CR No.389 of 2016 registered with Dadar Police Station, Mumbai for offences under Sections 420, 465, 467, 471 r/w 34 of Indian Penal Code. By order dated 23rd December 2016 interim protection was granted to the applicant wherein it was observed that on perusal of the documents it can be inferred that there was an authority to mortgage property and in view thereof custodial interrogation of the applicant is not necessary. The said interim order was subsequently confirmed by order dated 10th April 2017.

2. Learned advocate for the applicant submits that investigation has been completed and charge sheet has been filed. However, the applicant is not in a position to furnish PR bond in the sum of Rs.50,000/- as he is required to furnish solvent surety. It is submitted that the applicant was also implicated in other similar cases which are disputes of civil nature. It is submitted that since the

charge sheet has been filed, the Trial Court is insisting for execution of PR bond stipulated in order dated 23rd December 2016 passed by this Court. It is submitted that in view of financial constraints, the applicant is not in a position to arrange sureties in the aforesaid amount. It is further submitted that the applicant may be released on cash bail in lieu of surety.

3. I have perused the order dated 23rd December 2016 and 10th April 2017. Apparently the dispute appears to be with regards to mortgage of property and considering the nature of dispute, the applicant was granted interim protection with an observation that his custodial interrogation is not necessary, which was confirmed subsequently. Taking into consideration aforesaid circumstances, I pass following order :

ORDER

- (i) The order dated 23rd December 2016 passed by this Court in Anticipatory Bail Application No.2240 of 2016, which was subsequently confirmed by order dated 10th April 2017, is modified and it is directed that in the event of arrest of applicant in connection with CR No.389 of 2016 registered with Dadar Police Station, the applicant be released on bail on furnishing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (ii) The applicant is also permitted to furnish cash security in the sum of Rs.20,000/- for a period of eight weeks'
- (iii) Criminal Application No.1547 of 2018 stands disposed off.

(PRAKASH D. NAIK, J.)