

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

**CRIMINAL APPLICATION NO.36 OF 2019
IN
CRIMINAL BAIL APPLICATION NO.746 OF 2018**

Sunil Surendrakumar Kakkad

.. Applicant

Vs.

State of Maharashtra & Anr.

.. Respondents

.....
Mr.Angad More i/b. Mr.Sandeep Karnik, Advocate for the
Applicant.

Mr.S.R. Agarkar, APP for the Respondent – State.

Ms.Ameeta Kuttikrishnan, Advocate for Respondent No.2.

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 17, 2019.

P.C. :

The applicant was granted bail by this Court vide order dated 11th December, 2018 passed in Criminal Bail Application No.746 of 2018. In accordance with the said order, applicant was ordered to be released on bail in connection with Special Case No.63 of 2017, on furnishing P.R. Bond in the sum of Rs.1,00,000/-, with one or more local solvent sureties in the like amount. Applicant was also permitted to furnish cash security in the sum of Rs.1,00,000/- for a period of four weeks.

2 By this application, the applicant seeks modification of the order dated 11th December, 2018. Learned advocate for the applicant submits that the applicant has availed of cash bail security, which is granted for a temporary period and he has been released on bail. However, he is not in a position to arrange local solvent sureties as he has no relations or known persons in the city of Mumbai for offering the local solvent sureties. It is submitted that the applicant is the resident of Ahmedabad and it is not possible for him to furnish solvent sureties from Mumbai. It is, therefore, prayed that the condition of furnishing local solvent sureties may be modified by permitting the applicant to furnish solvent sureties in the like amount. Applicant has been granted bail by the Sessions Court in another case arising out of C.R.No.10 of 2014, investigated by EOW for the offences punishable under Sections 420 and 409 of IPC and applicant was directed to be released on executing P.R. Bond of Rs.1,00,000/-, with one or two solvent sureties in the like amount. It is further submitted that the other co-accused, namely, Dinesh Pralhadrai Jani, who was arrested in the present case was granted bail by the Sessions Court on furnishing P.R. Bond in the sum of Rs.50,000/-, each, with one or more solvent sureties in the like amount. It is submitted that the said applicant - accused are from

Gujarat. Reliance is also placed on the order dated 4th August, 2017, passed by the Special Court for CBI, granting bail to the accused Sanjiva Prasad and Deepa Juthani, who were the co-accused in the present case and resident of Gujarat, were granted bail on furnishing solvent sureties in the sum of Rs.50,000/-, each. Learned counsel also pointed out order dated 4th August, 2017, passed by the Sessions Court, granting bail to the accused no.10 Bharat Puruushottam Gujar, who is also from Gujarat has been released on bail on furnishing solvent sureties in the sum of Rs.50,000/-.

3 Learned counsel for the respondent no.2 submitted that in the event this Court modifies the order, as prayed for by the applicant, there is every likelihood that applicant would abscond. It is submitted that the applicant was arrested belatedly as he was at Liberia. It is noted that the applicant was arrested on 12th May, 2017, and, since then he is in India. It is pertinent to note that all other accused were permitted to furnish solvent sureties in the like amount. Applicant was also granted bail by the sessions Court in another case without condition of furnishing local solvent sureties. It is also noted that while granting bail to the applicant, this court has also imposed condition that the

applicant shall deposit his Passport with the trial Court, if not already deposited and the applicant shall not leave India without prior permission of trial Court. Similar condition is also imposed by the Sessions Court, while granting bail to another accused. Learned counsel for the applicant submitted that the Passport is already with the EOW. Taking into consideration the aforesaid circumstances, the order dated 11th December, 2018, is modified as follows:

:: ORDER ::

- (i) Order dated 11th December, 2018, passed by this Court in Criminal Bail Application No.746 of 2018, is modified to the extent that the applicant is ordered to be released on bail in connection with Special Case No.63 of 2017, arising out of FIR No.RCB SM/2015-E0001, on furnishing P.R. Bond in the sum of Rs.1,00,000/-, with one or more solvent sureties in the like amount;
- (ii) All other conditions imposed are intact;

- (iii) Cash bail facility granted vide order dated 11th December, 2018, by this Court, is extended by a period of six weeks;
- (iv) Criminal Application stands disposed of.

(PRAKASH D. NAIK, J.)