

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.45 OF 2019

Kartik S. Rawal, Age 41 years,
R/o.Flat No.604, C-Wing, Green Field Tower,
Vakola Village Road, Opp.Niron Hospital,
Near Vishwakarma Hall, Santacruz (W),
Mumbai-400 054.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Mukesh Kumar Mishra for applicant.

Mr.S.R.Agarkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 29th January 2019

PC :

1. The applicant was granted bail by the Court of Metropolitan Magistrate, 71st Court, Bandra, Mumbai in connection with CR No.279 of 2018 registered with Santacruz Police Station. The offence was registered u/s 420 r/w 34 of Indian Penal Code. The applicant was directed to furnish PB and SB of Rs.1,00,000/- with one to four solvent sureties of which at least one shall be residing within the local limits of Mumbai and also to furnish cash deposit of Rs.1,00,000/-. The Trial Court has imposed several other conditions. The applicant thereafter preferred Miscellaneous application No.123 of 2019 before the Sessions Court seeking modification of aforesaid order which has been rejected by order dated 18th January 2019.

2. Learned advocate for applicant submits that the applicant is not in a position to arrange the sureties and the cash bail as ordered

by Trial Court vide order dated 8th January 2019. There is no one to support the applicant. The wife of applicant is not in a position to make any arrangement for furnishing surety in the amount stipulated in the order dated 8th January 2019. It is submitted that the Sessions Court in another case arising out of CC No.1936/PW/2018 has allowed the application for modification of bail order and the applicant therein was directed to furnish PB of Rs.25,000/- with one or more sureties, out of which one surety was directed to be local surety and to deposit cash of Rs.25,000/-. It is therefore prayed that the order dated 8th January 2019 be modified by reducing the surety as well as cash deposit.

3. Learned APP submitted that the applicant was beneficiary of the amount of approximately Rs.20 lakhs. Both the Courts below have rightly rejected the application for modification of order granting bail.

4. It is pertinent to note that although the applicant was granted bail vide order dated 8th January 2019, he is continued to be in custody for want of furnishing sureties and cash security as envisaged in the said order. The applicant was arrested in another case referred to hereinabove wherein the Trial Court had directed him to furnish PB of Rs.1,00,000/- with one to 4 solvent sureties of which one should be local and deposit of cash of Rs.1,00,000/-. The applicant had preferred application before the Sessions Court and by order dated 14th January 2019 the order granting bail to the applicant in CC No.1936/PW/2018 was modified by permitting the applicant to furnish PB of Rs.25,000/- with one or more sureties in the like amount and cash deposit of Rs.25,000/-. The advocate for

applicant submitted that the applicant is willing to deposit cash of Rs.35,000/-.

5. Considering the aforesaid circumstances, I pass following order:

ORDER

(i) The order dated 8th January 2019 passed by learned Metropolitan Magistrate, 71st Court, Bandra, Mumbai granting bail to applicant in CR No.279 of 2018, is modified as follows :

(a) The applicant is directed to furnish PB and SB of Rs.25,000/- with two or more sureties in the like amount, out of which one should be a local surety;

(b) In addition to PB and SB of Rs.25,000/-, the applicant shall deposit cash of Rs.35,000/-;

(ii) All other conditions in order dated 8th January 2019 of Metropolitan Magistrate, 71st Court, Bandra, Mumbai, shall remain intact;

(iii) Criminal Application No.45 of 2019 is disposed off.

(PRAKASH D. NAIK, J.)

MST