

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

**CRIMINAL APPLICATION NO. 225 OF 2019
IN
CRIMINAL BAIL APPLICATION NO. 1259 OF 2017**

Ramesh Murlinath Yogi	... Applicant
Vs.	
State of Maharashtra	... Respondent

...

Mr. Dilip H. Shukla for the applicant.
Mrs. A.A. Takalkar, APP for the Respondent-State.

...

**CORAM : PRAKASH D. NAIK, J.
DATE : 12th FEBRUARY, 2019.**

P.C.

1. Applicant was granted bail by this Court vide order dated 5th February ,2018 vide Bail Application No. 1259 of 2017 in connection with CR No. 72 of 2015 registered with M.H.B. Colony Police Station for the offence punishable under Section 376(1), 328, 354(C), 506-II of Indian Penal Code read with Section 66(E) of the Information Technology Act. Applicant was arrested on 23rd February, 2015. It is submitted that the applicant has continued to be in custody from the date of arrest as he could not avail of bail facility granted by this Court vide order dated 5th February,

2018. It is submitted that applicant could not arrange the solvent sureties as stipulated in the order dated 5th February, 2018. Applicant however contends that one of his friend namely Vikash Mahesh Sharma residing at 112, Transit Camp 1-CST No. 455, Hanuman Nagar, Gulmohar Road, 112, Opp. Club Millennium, Andheri (West), Mumbai is willing to stand as a surety for him for an amount of Rs.15,000/-. It is submitted that presently applicant may be directed to be released on P.R.Bond with one surety in the sum of Rs.15,000/- and the applicant would execute the PR Bond with one surety in the sum of Rs.10,000/- within a period of eight weeks. It is submitted that applicant is in custody from 23rd February, 2015. In spite of grant of bail, applicant could not avail of said bail facility. Applicant has placed on record the residential proof of the friend of the applicant who is willing to stand as a surety for him. Applicant is resident of Nepal. Trial has not yet commenced. Applicant is almost in custody for a period of four years. In the circumstances, I pass the following order.

ORDER

- i. Order dated 5th February, 2018 passed in Bail Application No. 1259 of 2017 is modified to the extent that applicant be released on bail in CR No. 72 of 2015 dated 23rd February, 2015

registered with MHB Colony Police Station, Mumbai on his furnishing P.R. Bond of Rs.25,000/- with one or more local sureties in the like amount.

ii. Applicant is presently permitted to furnish local surety in the sum of Rs.15,000/- and the other local surety in the sum of Rs.10,000/- shall be furnished within a period of eight weeks from the date of his release.

iii. Application stands disposed off.

iv. Parties to act upon an authenticated copy of this order.

(PRAKASH D. NAIK, J.)