

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.117 OF 2019

Yashwant Dattatray Desai

Applicant

versus

The State of Maharashtra

Respondent

Mr.Satyavrat Joshi i/by Nitesh J. Mohite for applicant.

Mr.H.J.Dedhia, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 5th December 2019

PC :

1. This is an application for relaxation of condition imposed while granting bail to the applicant by Additional Sessions Judge, Ichalkarangi by order dated 9th January 2019 in Bail Application No.434 of 2018. The applicant was directed to be released on bail in CR No.506 of 2018 registered with Shivaji Nagar Police Station, Ichalkarangi for offences under Sections 406, 420, 509 of IPC. While granting bail the Court had directed that the applicant shall furnish, in addition to the solvent surety as stipulated in condition no.2 of the bail order, bank security in the sum of Rs.25 lakh.

2. The applicant subsequently preferred an application for relaxation of aforesaid condition but said application was rejected vide order dated 2nd March 2019. In the order rejecting the said application it is stated that cash amount of R.3 lakh and other amounts lying in the the bank accounts of applicant namely Rs.3,96,000/- and Rs.18,83,501/- respectively were seized by Police. It is also observed that the address of the firm provided by the

applicant-accused was false as the firm was not situated at the same place.

3. It is noted that the amount lying in the bank as stated above, has been seized. The order granting bail also stipulates condition of reporting to police station. The applicant has been released on bail on execution of PR bond in the sum of Rs.50,000/- with solvent surety. However, on account of the condition of furnishing bank security in the sum of Rs.25 lakh, the applicant has been continued to be in custody, although bail was granted on 9th January 2019.

4. Considering other conditions stipulated in the order, the imposition of condition of furnishing of bank security can be relaxed. Hence, I pass following order :

ORDER

- (i) The order dated 9th January 2019 passed by learned Additional Sessions Judge, Ichalkarangi granting bail to the applicant on application below Exhibit-1 in Bail Application No.434 of 2018 is modified and the condition of furnishing bank security in the sum of Rs.25 lakh stands relaxed;
- (ii) Other conditions stipulated by learned Additional Sessions Judge, Ichalkarangi while granting bail, shall remain intact;
- (iii) The applicant shall furnish details of his residence to the Investigating Officer after he is released on bail;
- (iv) Criminal Application No.117 of 2019 is disposed of.

(PRAKASH D. NAIK, J.)