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

CRIMINAL APPLICATION NO.212 OF 2019

Shaikh Adil Ahmed Taufique

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr.Ashok Kumar Dubey, for the Applicant.

Mr.A.A.Palkar, A.P.P for the Respondent - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 13th JUNE, 2019

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks modification of clause 3 of para 5 of the order dated 5th April, 2019, passed by the learned Additional Sessions Judge, Sessions Court, Greater Mumbai, in Bail Application No.790 of 2019.
3. It appears that the applicant was directed to deposit Rs.8,50,000/- (Rs.Eight Lakhs Fifty Thousand Only) before the trial Court

as a condition for releasing the applicant on bail, vide order dated 5th April, 2019, passed by the learned Additional Sessions Judge, Sessions Court, Greater Mumbai. The said amount was directed to be deposited in the trial Court within one month of the release of the applicant.

4. Learned Counsel for the applicant submits that the applicant had never volunteered to deposit the said amount of Rs.8,50,000/-. He submitted that the learned Additional Sessions Judge could not have imposed such an onerous and unreasonable condition, directing the applicant to deposit an amount of Rs.8,50,000/- whilst granting bail. It appears that a modification application filed by the applicant was also rejected by the learned Additional Sessions Judge. *Prima facie*, it is doubtful, if such an onerous condition can be imposed in the absence of the applicant volunteering to deposit the bail amount.

5. Be that as it may, the applicant has agreed to deposit Rs.2,00,000/- instead of Rs.8,50,000/-.

6. Considering the aforesaid, the application is allowed. Clause 3 of para 5 of the order dated 5th April, 2019, passed by the learned Additional Sessions Judge, Sessions Court, Greater Mumbai, stands modified. The applicant shall now deposit Rs.2,00,000/- in the Registry of the trial Court, within two weeks from today. Rest of the conditions imposed vide order dated 5th April, 2019, to remain as it is. It is made clear, that no further extension will be granted.

7. The Application is allowed and disposed of in above terms.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.