

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

WRIT PETITION NO. 2842 OF 2019

Amit Omkarnath Pandey

...Petitioner

Versus

State of Maharashtra & Anr.

...Respondents

.....

Mr.Ashish Dubey for the Petitioner.

Mrs.Rutuja Ambekar, APP for Respondent No.1-State.

.....

CORAM : S.S.SHINDE J.

DATE : 11 JUNE, 2019

P.C.:

1. This Petition is filed for the following substantive prayer :-

(a). That the impugned the condition i.e., applicant shall deposit an amount of Rs. 9,17,900/- in the court, imposed by the Hon'ble Additional Sessions Judge-1 Court, Vasai in order dated 19/03/2019, be quashed and set aside;

2. Learned Counsel appearing for the petitioner relying upon unreported judgment of this Court (Coram: Smt. Anuja Prabhudessai, J.) dated 1st November, 2018 submits that, an onerous condition of directing the petitioner to deposit an amount of Rs. 9,17,900/- by the learned Additional Sessions Judge-1, Vasai should not have been imposed while

allowing the application of the petitioner to release him on bail. It is submitted that imposition of the said condition is contrary to the law laid down by this Court in the case of *Ashwin Ashirwad Parmar Versus The State of Maharashtra*¹.

3. Upon hearing learned Counsel appearing for the petitioner and perusal of the grounds taken in the petition, this Court is of the opinion that the petitioner can apply before the same Court, who has granted the conditional bail, for recalling the condition of directing the petitioner to deposit an amount of Rs. 9,17,900/- as condition precedent to release him on bail.

In that view of the matter, liberty is granted to the petitioner to apply before the learned Additional Sessions Judge-1, Vasai. In case such an application is filed by the petitioner, the said Court is directed to consider and dispose of such application as expeditiously as possible, however, within a period of four days from filing of such application by the petitioner.

1 Criminal Application No. 390 of 2017 dated 24.07.2017

4. Needless to observe that at the time of filing such application, the petitioner shall serve a copy of the said application on the Office of the Public Prosecutor in the Sessions Court,Vasai.

5. In view of the above observations, Writ Petition stands disposed of.

6. All the contentions on merits are kept open for being agitated before the said Court.

(S.S.SHINDE, J.)