

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1210 OF 2018
IN
CRIMINAL APPEAL (ST) NO.903 OF 2018

Shri Suresh Raju Shetty ... Applicant
versus
The State of Maharashtra ... Respondent

WITH
CRIMINAL APPEAL (ST) NO.903 OF 2018

Shri Suresh Raju Shetty ... Appellant
versus
The State of Maharashtra ... Respondent

WITH
CRIMINAL APPLICATION NO.1439 OF 2018
IN
CRIMINAL APPEAL (ST) NO.903 OF 2018

Smt.Laxmi B. Shetty ... Intervener

In the Matter Between

Suresh Raju Shetty ... Appellant
versus
The State of Maharashtra ... Respondent

Mr.Sanjeev P. Kadam a/w Mr.Ramdas
Hake Patil for the applicant/appellant.

Mr.J.P.Yagnik, APP for the State.

Mr.Vinay J. Bhanushali for the Applicant
in Criminal Application No.1439 of 2018.

CORAM :- S. C. DHARMADHIKARI &
G.S.PATEL, JJ.

DATE :- OCTOBER 3, 2019

P.C. :-

1. In Criminal Application No.1210 of 2018, the applicant has prayed for condonation of 32 days delay in filing the appeal.
2. On the previous occasion, when this application and the appeal were listed, Ms.Sonawane, learned APP had appeared for the State. Today, she is absent.
3. For the reasons set out in the application and which constitute sufficient cause for condoning the delay in filing of the appeal, the Criminal Application No.1210 of 2018 is made absolute in terms of prayer clause (a). The delay is condoned.
4. Let all office objections be removed and appeal be numbered within 10 days from today.
5. The appeal is taken up forthwith for admission.
6. The order that is impugned in this appeal is that of the Special Judge presiding over Courts assigned cases styled as Special Cases under the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.
7. The applicant/appellant was granted bail. He applied for modification of the bail condition. It was pointed out that the bail was granted way back in March, 2003 and, to be precise, by an

order dated 26th March, 2003. It is stated that the applicant/appellant had furnished surety. The surety was Ramanna Shetty. The surety was accepted and approved by the Court. The said Ramanna Shetty, however, expired. The surety was sought to be replaced with that of Sunayna Shetty. It is stated that Sunayna Shetty is the daughter of the applicant/appellant. She resides in Mumbai, but she does not have immovable property in Mumbai/Maharashtra. The applicant/appellant sought modification of the bail condition to the extent of providing such a solvent surety, who does not have any immovable property in Maharashtra. That prayer is rejected by the impugned order. Hence this appeal.

8. We have heard Mr.Sanjeev Kadam in support of this appeal and Mr.Bhanushali appearing on behalf of the intervener/investor. The intervener sought intervention in this appeal, which strictly concerns only the State and the applicant/appellant.

9. Having found that the daughter is the surety of the applicant/accused and she is residing in Mumbai, but stating that she has an immovable property outside Maharashtra, we direct that the bail condition stands modified and the surety be accepted, subject to verification in usual manner by the Registry of the trial Court.

10. The appeal is disposed of accordingly.

11. Criminal Application No.1439 of 2018 is also disposed of as we have heard Mr.Bhanushali.

(G.S.PATEL, J.)

(S.C.DHARMADHIKARI, J.)