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

***CRIMINAL APPLICATION NO.1136 OF 2019
IN
CRIMINAL BAIL APPLICATION NO.1407 OF 2018***

Mujahid Munir Shah ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr.Mateen Abdul Rahim Shaikh, for the Applicant.

Ms.P.P.Shinde, A.P.P for the Respondent - State.

PSI – Dhananjay M., Ghatkopar Police Station, Mumbai, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 29th AUGUST, 2019

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the Applicant seeks modification of the condition set out in clause (I) of para 2, imposed by this Court (Coram:Prakash D. Naik, J.), vide order dated 2nd November, 2018, passed in Criminal Application No.1354 of 2018 in Bail Application No.1407 of 2018.

3. The condition of which modification is sought, reads thus:-

“2.

I) The order dated 23rd July, 2018 passed by this Court in Bail Application No.1407 of 2018 is modified to the extent that the applicant be released on bail in C.R. No. I/440/2016 registered with Ghatkopar Police Station on his furnishing PR bond of Rs.25,000/- with one or two sureties in the like amount.”

4. Learned Counsel for the applicant submits that the applicant is a resident of Uttar Pradesh and hence is unable to furnish PR bond of Rs.25,000/- with one or two sureties in the like amount, as directed by this Court and requests that the said amount be reduced to Rs.10,000/-. He further submits that since the applicant is a resident of Uttar Pradesh, in order to ensure that the applicant does not abscond, this Court may impose any other conditions.

5. Vide order dated 23rd July, 2018, passed in Bail Application No.1407 of 2018, the applicant was released on bail, by this Court (Coram : A.S.Gadkari, J.), on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount. It appears that the

applicant could not furnish the sureties as directed by the Court vide order dated 23rd July, 2018, since he was a resident of Uttar Pradesh and hence filed an application seeking modification of the said condition. Accordingly this Court, (Coram:Prakash D. Naik, J.), vide order dated 2nd November, 2018, passed in Criminal Application No.1354 of 2018 in Bail Application No.1407 of 2018, modified the order dated 23rd July, 2018, to the extent, that the applicant was directed to be released on bail in C.R. No. I/440/2016 registered with Ghatkopar Police Station on his furnishing PR bond of Rs.25,000/- with one or two sureties in the like amount. It appears that despite the said order, the applicant is still in custody and is unable to furnish the sureties as directed by this Court. By the aforesaid application the applicant is seeking further modification and reduction of the amount of Rs.25,000/-.

6. For the reasons set out in the application, the application is allowed and the condition set out in clause (I) of para 2, imposed by this Court (Coram:Prakash D. Naik, J.), vide order dated 2nd November, 2018, passed in Criminal Application No.1354 of 2018 in Bail Application No.1407 of 2018, is further modified. Accordingly, the applicant shall now be released on bail in C.R. No. I/440/2016 registered with Ghatkopar Police Station on his furnishing PR bond of Rs.15,000/- with one or more

sureties in the like amount.

7. In addition to the conditions imposed by this Court vide orders dated 23rd July, 2018 and 2nd November, 2018, the applicant shall be enlarged on bail on the following additional terms and conditions:-

ORDER

- i) The Applicant shall not leave the jurisdiction of Mumbai and Thane City, without the permission of the trial Court;
- ii) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial Court;
- iii) An undertaking to the aforesaid clauses (i) and (ii), as well as the conditions imposed by this Court vide orders dated 23rd July, 2018 and 2nd November, 2018, shall be filed by the Applicant, in the Registry of the trial Court, within two weeks of his release;

8. Rest of the conditions imposed vide orders dated 23rd July, 2018 and 2nd November, 2018, to remain as it is.

9. The Application is allowed and disposed of in above terms.
10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.