

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

WRIT PETITION NO.5533 OF 2019

Sagar Damodar Zole

...Petitioner

vs.

The State of Maharashtra

...Respondent

Swapna P. Kode for the Petitioner.

Dr. F. R. Shaikh, APP for the Respondent/State.

**CORAM : B. P. DHARMADHIKARI &
N. R. BORKAR, JJ.
DATE : 11/12/2019.**

PC.:

. Heard for some time.

2. Prisoner-a convict who should have reported back on 26/7/2019 before 5.00 p.m. in prison has actually reported back on 10.50 in the night on that day. Bond amount of Rs.5000/- is therefore forfeited. Learned counsel for the petitioner submits that on that day on account of flood the petitioner could not report back before 5.00 p.m.

3. Learned APP submits that the petitioner was given proper opportunity and then the order of forfeiture is passed. He further states that the amount of Rs.5,000/- is agreed to by the petitioner while furnishing bond and as such this Court should not intervene.

4. The emphasis on obtaining bond and forfeiture of bond amount is to instill discipline and to persuade the prisoner to report back before 5.00 p.m. on last day.

5. Reason given by the prisoner that there was flood and therefore he got late is not reflected in his reply or application. However, this defence is recorded in the sanction order passed by the District and Sessions Court, Nashik on 20/8/2019.

6. In this situation, we direct respondents to refund to the petitioner amount of Rs.4,500/- and to forfeit amount of Rs.500/- only on this occasion.

7. Petitioner to note that in future if he gets late, the Authorities may forfeit the entire bond amount.

8. With this observation and caution, we partly allow and dispose of the petition.

9. Order be communicated to the prisoner in jail.

(N. R. BORKAR, J.)

(B. P. DHARMADHIKARI, J.)