

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.719 OF 2018

Rahul Mukesh Gohil, Age 36 years,
R/o.A/606, 6th Floor, Vini Residency,
Phase-I, Opp.Mahalakshmi Complex,
Off.Bus Depot Road, Hanuman Nagar,
Nalasopara West, Palghar-401 203.

Applicant

versus

The State of Maharashtra

Respondent

Ms.Vijaya Mistry for applicant.

Mr.Prashant Jadhav, APP, for State.

Mr.Ninir Mulla, PSI, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 16th January 2019

PC :

1. The applicant was granted bail by Additional Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai vide order dated 5th May 2018 in Bail Application No.109/BA/2018 on furnishing PB of Rs.5,00,000/- with solvent surety of like amount in addition to cash security of Rs.2,00,000/-. Learned counsel for applicant submitted that the applicant had furnished cash security of Rs.2,00,000/- and the Trial Court had granted him time to furnish surety. On furnishing the cash security the applicant has been released on bail. However, it is not possible for the applicant to furnish surety as directed by the Court. The applicant thereafter preferred application for modification of order dated 5th May 2018 before the Sessions Court. Learned Sessions Judge by order dated 19th November 2018 reduced the PB and SB of Rs.5,00,000/- to Rs.1,00,000/- with one or two sureties.

2. Learned counsel for applicant submitted that the applicant was employee of bank and he is not in a position to arrange surety in the sum of Rs.1,00,000/-. It is submitted that in the other cases in which the applicant was arrested, he is being released on cash bail. It is therefore prayed that the applicant be released on cash bail facility.

3. From the records it is apparent that the applicant was released on bail by Magistrate by order dated 5th May 2018. the applicant had already furnished cash security in the sum of Rs.2,00,000/-. The Sessions Court has modified the order and permitted the applicant to furnish PB and SB in the same sum of Rs.1,00,000/-. Considering the inability of the applicant to furnish surety bond in the sum of Rs.1,00,000/-, the same can be reduced to Rs.50,000/-. The prayer for enlarging the applicant on cash bail pending trial, however, cannot be accepted and hence rejected.

4. In the circumstances I pass following order :

ORDER

(i) The order dated 19th November 2018 passed by Additional Sessions Judge for Greater Mumbai in Miscellaneous Application No.1408 of 2018 is further modified to the extent that the applicant shall furnish PB and SB of Rs.50,000/- with one or more sureties in the like amount;

(ii) The applicant is granted six weeks time to furnish sureties as directed in this order;

(iii) Rest of the order dated 19th November 2018 remains intact;

(iv) Criminal Application No.719 of 2018 stands disposed off.

(PRAKASH D. NAIK, J.)

MST