

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1600 OF 2018
IN
CRIMINAL APPLICATION NO.1388 OF 2018

Manoj Kumar Omprakash Mathur	Applicant
versus	
The State of Maharashtra and another	Respondents

Mr.Durgesh P. Jaiswal for applicant.
Mr.Prashant Jadhav, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 11th January 2019

PC :

1. The applicant was directed to be released on bail vide order dated 2nd July 2018 passed by this Court in Bail Application No.1388 of 2018 in CBI Special Case No.35 of 2012 on furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount. The applicant is in custody in spite of the order granting bail. His surety application has not been accepted by the Trial Court. The applicant has produced salary certificate of a surety who is employed in private company. Learned Judge has rejected the surety application on the ground that the applicant has not produced property surety and only salary certificate of private company is produced. It is submitted that the applicant would submit two sureties of Rs.12,500/- each. It is submitted by learned counsel for applicant that there is no prohibition in furnishing surety who is working in private company. Learned counsel relied upon the decision of Madras High Court delivered in the case of Sagayam Vs.

State (2017{3}Mh.L.J. {Cri}.134). Learned counsel submitted that notice is given to respondent CBI, however, none appears for CBI. The applicant has submitted affidavit of service which is taken on record. The applicant has furnished local solvent sureties.

2. In the circumstances, I pass following order :

ORDER

- (i) The order dated 1st November 2018 passed by Additional Sessions Court in CBI Special Case No.35 of 2012, is set aside and the Trial Court is directed to accept the surety provided by applicant, after verification thereof and in accordance with law;
- (ii) Criminal Application No.1600 of 2018 is disposed off.

(PRAKASH D. NAIK, J.)

MST