

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

CRIMINAL APPLICATION NO.116 OF 2020

Kanailala Brindaban Shah & Ors	..Applicants
Vs	
State of Maharashtra	..Respondent

Mr. Sataram Tarale,for the Applicants.

Mr. Arfan Sait, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

**DATE : 05th OCTOBER 2020
(Through Video Conference)**

P.C.

1. The applicant Nos. 1 and 2 were released on bail by the learned Additional Sessions Judge, Pandharpur by Order dated 13th May 2020 in Criminal Misc(Bail) Application No. 214 of 2020. Similarly, by order of even date in Criminal Misc (Bail) Application No. 213 of 2020, the applicant No. 3 has been directed to be released on bail.

2. By the present application, applicants are seeking modification of following condition.

‘In respect of C.R. No. 1131/2019 of
Sangola Police Station, present

applicant accused Kanailal Shah and Hitesh Shah be released on bail on their executing personal recognition bond of Rs. 2,00,000/- (Rs. Two lakhs only) each with a solvent surety in the like amount and also on furnishing cash security of Rs. 1,00,000/- (Rs. One lakhs only) each and also on furnishing Bank Guarantee of any nationalized Bank of Rs. 5,00,000/- (Rs. Five lakhs only) each.'

3. It may be mentioned that a similar condition is also there in the order granting bail to the applicant No.3. In the meantime, applicant No. 2 has complied with the said condition and has been released on bail. In that view of the matter, the learned counsel for the applicants, on instructions, has not pressed the present application, in relation to applicant No. 2 i.e. Mr. Hitesh Kishorchand Shah. Thus, this application survives only in respect of applicant Nos. 1 and 3.

4. On hearing the learned Counsel for the applicants and the learned Additional Public Prosecutor, it appears that the offence alleged against the applicants is

one under Sections 420, 419, 406 r/w Section 120-B of Indian Penal Code and the amount involved is said to be to the tune of Rs. 11,13,390/-.

5. The learned Counsel for the applicant submitted that the stringent condition as imposed by the learned Sessions Judge are not called for particularly looking to the nature of the offence and further having regard to the fact that the amount said to be involved is Rs.11,13,390/-.

6. The learned Additional Public Prosecutor points out that the stringent conditions have been imposed in view of the fact that applicants are residents of West Bengal.

7. I have considered the circumstances and submissions made.

8. Although the Court is entitled to impose appropriate conditions looking to the seriousness of the offence and to ensure the presence of the accused at the trial, it is trite, that the conditions should not be such, so as

to amount to denial of bail. Considering the over all circumstances and having regard to the fact that the applicants are hailing from West Bengal, I think the condition No. 2 may be modified as under.

“Applicant Nos. 1 and 3 shall be released on bail on executing a P. R. Bond in the sum of Rs.50,000/- with two solvent sureties of Rs. 25,000/- each, out of which at least one shall be a local surety and on furnishing cash security of Rs. 1,00,000/-.”

9. The condition of furnishing of a bank guarantee is done away with.
10. Rest of the conditions shall remain as they are.
11. The Criminal Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.