

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.355 OF 2019

|                                     |            |
|-------------------------------------|------------|
| Deepak Dnyandev Bhosale and another | Applicant  |
| versus                              |            |
| The State of Maharashtra            | Respondent |

Mr.Sumant Deshpande for applicant.  
Smt.A.A.Takalkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 20<sup>th</sup> January 2020

PC :

1. This is an application for modification of order dated 18<sup>th</sup> January 2019 passed by learned Judicial Magistrate, First Class, Chandwad, District Nashik granting bail to the applicants in CR No.13 of 2018 registered with Vadner Bhairav Police Station for offences under Sections 420, 409, 406 r/w 34 of Indian Penal Code. The FIR relates to transaction of sale of grapes which was executed in 2014 and the FIR was lodged on 5<sup>th</sup> February 2018.

2. The applicants have been granted bail as stated above, by executing PR bond in the sum of Rs.15,000/- and local SB of the like amount along with cash security of Rs.2,00,000/-. It was further directed that the security amount be credited to the Government. If they fail to remain present in the Court during trial and if they face trial, that amount be disposed of as per final order.

3. Learned advocate for applicants submitted that the applicants are not in a position to arrange cash security as directed by the Trial

Court. The applicants are in custody in this case from 14<sup>th</sup> December 2018. The applicants are granted bail by this Court in four other cases. Bail was granted in one case on executing PR bond in the sum of Rs.50,000/- with one or more sureties, and in three other cases they were released on bail on executing PR bond in the sum of Rs.25,000/-.

4. Learned advocate for the applicants, on instructions from the wife of applicant no.1 who is present in Court, submitted that the applicants are willing to execute PR bond in the sum of Rs.50,000/- each with one or more solvent sureties in the like amount.

5. It is noted that the applicants are in custody from 7<sup>th</sup> December 2018. The applicants were earlier in custody in other cases, in which they are granted bail. The application preferred by the applicants for modification before Sessions Court was rejected. Although bail was granted on 18<sup>th</sup> January 2019, the applicant has not availed of bail on account of stringent condition. In view of the circumstances the order dated 18<sup>th</sup> January 2019 passed by the JMFC, Chandwad can be modified as follows. Hence, I pass following order :

### **ORDER**

(i) The order dated 18<sup>th</sup> January 2019 passed by JMFC, Chandwad granting bail to the applicants in CR No.13 of 2018 registered with Vadner Bhairav Police Station, is modified by directing that the applicants are released on bail on executing PR bond in the sum of Rs.50,000/- each with one or more solvent sureties in the like amount;

(ii) Clause No.(ii) of the operative part of order dated 18<sup>th</sup> January 2019 passed by JMFC, Chandvad stands modified to that extent. The rest of the order dated 18<sup>th</sup> January 2019 remains intact;

(iii) Criminal Application No.355 of 2019 is disposed of.

(PRAKASH D. NAIK, J.)

MST