

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 CRIMINAL WRIT PETITION NO.620 OF 2021

JAGAN ANNA SHERKHANE (C-8804)
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Petitioner : Mr. Akshay Kulkarni
APP for Respondents: Mr. G.O. Wattamwar
.....

**CORAM : V. K. JADHAV AND
SHRIKANT D. KULKARNI, JJ.
DATED : 23rd JUNE, 2021**

PER COURT:-

1. By consent of parties, heard finally at admission stage.
2. The petitioner is a convict undergoing life imprisonment in connection with the offences punishable under Sections 302, 323 r.w. 34 of I.P.C. The petitioner's criminal appeal No. 486 of 2017 is pending before this Court.
3. The petitioner has applied for COVID emergency parole and being aggrieved by the order requiring him to furnish the two solvent sureties, the petitioner had approached this court by filing criminal writ petition No. 525 of 2021. By order dated 29.4.2021, this Court (Coram: Ravindra V. Ghuge and B.U. Debadwar, JJ.) partly accepted the writ petition and further modified the impugned order to the effect that the petitioner would furnish a cash surety of Rs.20,000/- and he would also furnish one solvent surety in the like amount. The

petitioner has filed the present writ petition for relaxation of the said condition.

4. Learned counsel for the petitioner submits that the financial condition of the petitioner is poor and he is not in a position to furnish the cash surety of Rs.20,000/-. The petitioner however, is ready to furnish one solvent surety in the like amount. Learned counsel for the petitioner submits that he had a talk with the petitioner over phone through authority and the petitioner has informed that his parents are aged and one sister is also a convict prisoner in connection with the same crime. The petitioner is a poor person and thus, he is not in a position to furnish the cash surety of Rs.20,000/-. However, he is ready to furnish cash surety of Rs.5000/-.

5. We have also heard learned A.P.P. for the respondent State.

6. We have carefully gone through the order passed by this Court on 29.4.2021 in criminal writ petition No. 525 of 2021. Initially, by a letter, the petitioner-convict had informed to the court that he is willing to furnish two cash sureties of Rs.20,000/- each and he prays for relaxation of condition of one solvent surety. Consequently, this Court had directed to furnish a cash surety of Rs.20,000/- and to submit one solvent surety in the like amount. However, it appears that the petitioner is not in a position to furnish the cash surety of Rs.20,000/- due to his poor financial condition. Moreover, his parents

are aged and his sister is also languishing in jail in connection with the present crime.

7. Thus, considering the entire aspect of the case, we consider the writ petition favourably and we partly allow the same. We accordingly relax the condition as per the order dated 29.4.2021 to the extent of directing the petitioner to furnish a cash surety of Rs.20,000/- and instead, the petitioner would furnish a cash surety of Rs.5,000/-. The other conditions remain as it is.

8. Writ petition is accordingly disposed of.

9. Since Mr. Akshay Kulkarni, learned counsel is appointed to prosecute the cause of the petitioner, we quantify his legal fees and expenses at Rs.3000/- (Rupees Three thousand only) to be paid by the High Court Legal Services, Sub-Committee, Aurangabad.

(SHRIKANT D. KULKARNI, J.)

(V. K. JADHAV, J.)

rlj/