

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL INTERIM APPLICATION NO. 2002 OF 2022
IN
CRIMINAL APPLICATION NO. 248 OF 2021**

Dilip Punamchand Maru ...Applicant
Versus
The State Of Maharashtra ...Respondent

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Mr. Shailesh Kantharia, Advocate for the Applicant.

Mr. S.R. Agarkar, APP for the Respondent – State.

**CORAM : PRAKASH D. NAIK, J.
DATE : 19th JULY, 2022.**

PER COURT:

1. This is an application for modification of order dated 18th August, 2021.

2. The Applicant had preferred Criminal Application No.248 of 2021 challenging order dated 29th January, 2021 passed by Learned J.M.F.C. only to the extent of direction to the Applicant to furnish bank guarantee in the sum of Rs.43,00,000/-. Considering the submissions of the learned counsel for the Applicant this Court vide order dated 18th August, 2021 modified order dated 29th January, 2021 to the extent that it directs the Applicant to give bank guarantee of Rs.43,00,000/- and instead of bank guarantee the Applicant was permitted to furnish one or more surety in the said sum. In addition to the surety the Applicant was directed to execute

Indemnity Bond in the trial Court for the amount of Rs.43,00,000/-.

3. It is submitted that the Applicant is not in a position to arrange surety in accordance with the modified order passed by this Court. Hence, the original order may be restored by permitting the Applicant to give bank guarantee of Rs.43,00,000/-. The Applicant is also willing to execute Indemnity Bond in respect to the sum of Rs.43,00,000/- in accordance with the order passed by this Court on 18th August, 2021.

4. Considering these submissions, I pass the following order;

ORDER

- i. The order dated 18th August, 2021 passed by this Court in Criminal Application No.248 of 2021 is modified.
- ii. The Applicant is permitted to give bank guarantee of Rs.43,00,000/-. The modified condition of furnishing surety in accordance with order dated 18th August, 2021, stands dispensed with. The Applicant shall also furnish the Indemnity Bond before the Trial Court for the sum of Rs.43,00,000/-.
- iii. Application stands disposed of.

(PRAKASH D. NAIK, J.)