

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 1922 OF 2022****IN****CRIMINAL APPEAL NO. 377 OF 2020**

Virendra Tufani @ Surendra

Tufani Vishwakarma

... Applicant/Appellant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Viral Rathod a/w. Ms.Saima Sothe i/b. Mr.A.A. Sothe for
Applicant/Appellant.

Mr.Ajay Patil, A.P.P. for Respondent No.1-State.

CORAM : A.S. GADKARI, J.**DATE : 4th July 2022.****PC. :**

1. This is an application for extension of time to comply with the directions issued by Orders dated 11th February 2022 in Interim Application No. 114 of 2022 and dated 5th May 2022 in Interim Application No. 1473 of 2022, inter-alia extension to furnish sureties.

2. Mr.Rathod, learned counsel for Applicant submitted that, initially though by an Order dated 30th July 2021, the substantive sentence imposed upon the Applicant was suspended and was directed to be released on bail, however the Applicant could not avail the said Order and had filed Interim Application No. 114 of 2022 for modification of Order dated 30th July 2021.

That, by an Order dated 11th February 2021 passed in Interim Application No. 114 of 2022, this Court reduced the bail amount, permitted the Applicant to furnish cash bail for a period of 8 weeks and directed him to submit sureties in the said period of 8 weeks. He submitted that, the Applicant was actually released from jail in the month of March 2022. That, the Applicant thereafter filed Interim Application No. 1473 of 2022 for extension of time to furnish the sureties and the facility of cash bail granted by Order dated 11th February 2022.

He fairly submitted that, as a matter of fact, the Applicant till date could not furnish sureties despite granting an extension earlier to this. He therefore prayed that, the period to furnish sureties in pursuance of Orders dated 11th February 2022 and 5th May 2022 may be extended by 8 weeks from today.

3. The facts recorded herein above are as per the record. It is to be noted here that, on an earlier occasion i.e. on 5th May 2022 the Co-ordinate Bench (Coram : Shri P.D. Naik, J.) had already granted extension of eight weeks to furnish sureties. However, till date the Applicant did not even submit documents of sureties before the concerned Court. Various reasons are given for non complying the said Order dated 5th May 2022. The said reasons are not recorded herein as those are not appealable. This Court therefore was not inclined to extend the period to furnish sureties, however Mr.Rathod, learned

counsel for Applicant, on instructions, submitted that, the Applicant is ready and willing to pay a cost of Rs.15,000/- to any charitable institution or library, as may be directed by this Court, if this Court be pleased to extend time to furnish sureties.

4. In view of the above and at the profused pleadings of Mr.Rathod, learned counsel for Applicant, the period to furnish sureties is hereby extended by eight weeks from today, subject to condition that the Applicant shall pay a cost of Rs.15,000/- to Kirtikar Law Library, High Court, Mumbai, within a period of one week from the date of uploading the present Order on the Official Website of the High Court.

5. Application is allowed in the aforesaid terms.

6. Place the Application for reporting compliance of payment of cost on board on 12th July 2022.

[A.S. GADKARI, J.]