

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL INTERIM APPLICATION NO. 2496 OF 2022
IN
CRIMINAL APPEAL NO. 644 OF 2022**

Anup Kumar Sinha ...Applicant
Versus
Central Bureau of Investigation And Anr. ...Respondents

....

Mr. Kunal Shinde, Advocate for the Applicant.

Mr. Budhabhushan Rajratna i/by Mr. H.S. Venegaokar, Special P.P,
Advocate for the CBI.

Mr. A.D. Kamkhedkar, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.

DATE : 10th AUGUST, 2022.

PER COURT:

1. This is an application for modification of order dated 24th June, 2022 passed by this Court in Interim Application No.1885 of 2022.

2. This Court vide order dated 24th June, 2022 directed that the applicant be released on bail on furnishing PR. Bond in the sum of Rs.50,000/- with one or more solvent local surety in the like amount. Applicant was permitted to furnish cash bail for a period of twelve weeks and during the said period he was directed to comply with the condition of furnishing solvent sureties.

3. Learned Advocate for the applicant submit that the surety is

not resident of Mumbai. He has arranged solvent surety in the sum of Rs.50,000/- from outside local jurisdiction of the Court. He could not arrange the local surety in consonance with order dated 24th June, 2022. Hence, the condition of furnishing local surety may be dispensed with by permitting him to furnish solvent surety in the sum of Rs.50,000/- from State of Maharashtra.

4. Learned Advocate for Respondent-CBI opposed the prayer for modification. It is submitted that in view of the circular issued by the Government of Maharashtra dated 24th March, 2012, the application for issuing solvent sureties are required to be decided within one week. It is further submitted that the applicant has been convicted and sentenced to suffer imprisonment of four years. He was granted bail by this Court. He is required to comply the conditions imposed while granting bail. Hence, application for modification of order dated 24th June, 2022 may be rejected.

6. It is pertinent to note that pending the appeal preferred by the applicant sentence is suspended and bail has been granted to the applicant. The only modification sought by the applicant is to dispense with furnishing local surety. The applicant has agreed to the solvent surety in respect to the property situated in Pune is available.

7. Considering the fact that the surety is not residing within the jurisdiction of the Court, the applicant can be permitted to furnish surety from beyond local jurisdiction.

ORDER

- i. Interim Application No. 2496 of 2022 is allowed.
- ii. Order dated 24th June, 2022 to the extent of directing the applicant to furnish local solvent surety is modified by permitting the applicant to furnish solvent surety in the sum of Rs.50,000/- within the State of Maharashtra.
- iii. Application stands disposed of.

(PRAKASH D. NAIK, J.)