

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.2880 OF 2022
IN
CRIMINAL APPEAL NO.1019 OF 2021**

Shafi @ Kallu Mubarak Sayyad Applicant

versus

State of Maharashtra & Anr. Respondents

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- Ms. Sartaj Shaikh, Advocate for Applicant.
- Smt. M. R. Tidke, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 05th SEPTEMBER, 2022**

P.C. :

1. The main prayer in this application is for extension of period of four weeks to furnish surety of Rs.25,000/- and for continuation of cash bail of Rs.25,000/- for a period of four weeks.

2. Heard Ms. Sartaj Shaikh, learned counsel for the Applicant and Smt. M. R. Tidke, learned APP for the State.

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3. The Applicant had preferred Criminal Appeal No.1019 of 2021 against his conviction and sentence for commission of offence punishable u/s 10 of the Protection of Children from Sexual Offences Act, 2012 and u/s 354-A of the Indian Penal Code. The Applicant was granted bail pending his Appeal vide order dated 18/01/2022 passed in Interim Application No.3054 of 2021 in Criminal Appeal No.1019 of 2021. The Applicant was directed to be released on bail on his executing PR. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount. He was permitted to furnish cash bail security of Rs.25,000/- for a period of eight weeks from the date of the order i.e. from 18/01/2022.

4. After that, the period of furnishing surety was extended by another order dated 24/03/2022 passed in Interim Application No.961 of 2022 in original Interim Application No.3054 of 2021. The period was extended by a period of eight weeks from 24/03/2022. Even thereafter sureties were not furnished. An office report was received by this Court. Vide

order dated 12/08/2022, the trial Court was directed to take further steps in accordance with law to secure the Applicant's presence.

5. Learned counsel for the Applicant today submits that the Applicant is suffering from Hemi-Parkinson disease, which is reflected in the order dated 18/01/2022. Therefore it was difficult for him to secure the surety. However, same surety who was on record during trial, has agreed to remain his surety during pendency of Appeal. Learned counsel therefore submitted that further extension be granted to the Applicant to furnish the surety.

6. Considering the medical history of the Applicant and the statement that the surety is now available, further extension can be granted for furnishing surety.

7. Hence, the following order :

ORDER

- (i) Time to furnish the surety is extended by a period of eight weeks from today. The Trial Court shall take into consideration the medical condition of the Applicant sympathetically in following the procedure.
- (ii) The Applicant is permitted to furnish the same person as a surety, who had stood as surety during the trial, provided he complies with eligibility criteria.
- (iii) Interim Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)