

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

**INTERIM APPLICATION NO. 2957 OF 2022
IN
CRIMINAL APPEAL NO. 377 OF 2020**

Virendra Tufani @ Surendra Tufani
Vishwakarma ..Applicant
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Viral Rathod a/w. Saima Sothe i/b. A. A. Sothe for Applicant.
Smt. M. R. Tidke, APP for State/Respondent No.1.

CORAM : SARANG V. KOTWAL, J.
DATE : 12th SEPTEMBER 2022

PC :

1. This application is filed for relaxing the condition for furnishing surety and with a further prayer that cash bail be made permanent and in the alternative for reduction of the surety to Rs.10000/- and even for that seeking extension of four weeks time to furnish surety.

2. I have heard learned counsel for the Applicant and I have perused all the previous orders. The applicant was granted bail by this Court (Coram: Prakash D. Naik, J.) in I.A.No.1159 of 2020 in Appeal No.377 of 2020. The condition was imposed for

furnishing surety in the sum of Rs.25000/-. This order was passed on 30/07/2021. The Applicant did not furnish surety and some leniency was sought by the applicant by preferring an Interim Application No.114 of 2022 in the same Appeal. The same Court vide order dated 11/02/2022 permitted the applicant to furnish cash bail in the sum of Rs.15000/- for a period of 8 weeks. The surety amount was already reduced from Rs.25000/- to Rs.15000/-. Even after that the Applicant did not furnish surety within 8 weeks time from 11/02/2022; instead, one more application was moved for extension of time. That extension was granted on 05/05/2022 vide an order passed in I.A.No.1473 of 2022. Eight weeks time was granted. It was also made clear that no further extension would be granted. Even after this leniency and clear observations, surety was not furnished and another application was moved vide I.A.No.1922 of 2022 in the same Appeal. This time the Court (Coram: A. S. Gadkari, J.) vide order dated 04/07/2022 extended the period to furnish surety by 8 weeks subject to condition of the applicant paying cost of Rs.15000/- to Kirtikar Law Library, High Court, Mumbai. The cost

was paid but surety was not furnished within 8 weeks from 04/07/2022 and again this application is preferred for extension of time to furnish surety.

3. This cannot go on endlessly. By way of last chance, following order is passed:

O R D E R

- i) The Applicant shall deposit Rs.5000/- (Rupees Five Thousand only) by way of cost to Kirtikar Law Library, High Court, Mumbai within a period of two weeks from today.
- ii) The Applicant is permitted to furnish surety within a period of four weeks from today, failing which the trial Court shall take steps by issuing Non bailable warrant to commit the applicant to jail custody without further reference to this Court.
- iii) For the period of four weeks the Applicant shall

attend the concerned police station on every Friday between 3.00p.m. to 5.00p.m.

- iv) Before accepting surety the trial Court shall verify whether the applicant has deposited cost before the Kirtikar Law Library, High Court, Mumbai.
- v) With these observations, the Application is disposed of.

(SARANG V. KOTWAL, J.)