

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

**CRIMINAL APPLICATION NO.3285 OF 2021
IN
CRIMINAL WRIT PETITION NO.2499 OF 2021**

Suhas Radhakrishna Lohokare

.. Applicant

Versus

State of Maharashtra

.. Respondent

.....

Mr.Darshan J. Jaikar, Advocate for the Applicant.

Mr.Arfa Sait, APP for the Respondent – State.

PI Dattatray Bakare, Unit 4 (GC – 2), EOW Mumbai, present.

.....

CORAM : PRAKASH D. NAIK J.

DATED : JULY 11, 2022.

P.C. :

The applicant is seeking modification of order dated 26th July, 2021, passed by this Court in Criminal Writ Petition No.2499 of 2021.

2 *Vide* order dated 15th March, 2021, passed by learned Additional Chief Metropolitan Magistrate 47th Court, Esplanade, Mumbai, the bank accounts of the applicant were defreezed on furnishing bank guarantee of the amount lying in the bank account as on the date of the order. Subsequently, the applicant preferred

criminal Writ Petition No.2499 of 2021, before this Court and *vide* order dated 26th July, 2021, the order passed by learned Magistrate was modified as the petitioner was permitted to furnish bank guarantee of the amount mentioned in the accounts and shall give indemnity bond for the amount of Rs.45,00,000/-, along-with two solvent sureties for the said said amount lying in the account.

3 According to the learned counsel for the applicant, pursuant to the orders passed by this Court, the applicant had attempted to furnish solvent sureties in accordance with the orders passed by this Court. With a view to furnish solvent surety, the applicant had produced the documents relating to property of his surety and in respect to the said property, the Nayab Tahasildar Sub Divisional Office, Thane Sub Division, issued letter dated 18th November, 2021, indicating that the value of the property on the basis of his solvent certificate is sought to be issued is Rs.64,19,370/-, and, considering the said value, the solvency could be issued on the basis of 1/3rd of the value of the property to the tune of Rs.21,39,790/-. The solvency certificate in the said amount does not satisfy the requirement of the condition imposed by this Court. It is submitted that the applicant would furnish the solvency to the tune of Rs.21,39,790/-, which covers 40% of the amount of Rs.45,00,000/-. It

is submitted that the property in respect to which is owned by the surety in respect to which the solvency certificate is proposed to be issued would remain as a security and the surety would not make any third party interest or alienate the said property to any other person, till the final disposal of the case.

4 Considering the aforesaid circumstances, the applicant is permitted to furnish the solvency certificate of Rs.21,39,790/-. The applicant and the surety/owner of the property which is furnished for issuance of solvency certificate shall file an Undertaking before the trial Court that no third party interest would be created in respect to the said property and the property will not be alienated to any other person till the final disposal of case. This application stands disposed of.

(PRAKASH D. NAIK, J.)