

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

**INTERIM APPLICATION NO. 3601 OF 2022
IN
CRIMINAL APPEAL NO. 79 OF 2016**

Prashant Prasad Rao @ Sunny ..Applicant
Versus
The State of Maharashtra ..Respondent

Mr. Kartik Garg (Appointed Advocate) for Applicant.
Smt. M. R. Tidke, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 22nd NOVEMBER 2022**

PC :

1. This application is filed through Jail with following two prayers:

- a) That the applicant may be released from prison having already undergone the maximum imprisonment which was imposed upon him by the trial court,
- b) In the alternate, the conditions in clause (a) of the order dated 16th March, 2018, may be modified and the applicant may be permitted to furnish a solvent surety from any district or of district Akola.

2. As far as, first prayer is concerned, learned APP has

produced a report of the Superintendent of Jail, Taloja Central Prison. It is taken on record and marked 'X' for identification. The report mentions that, the applicant has not yet completed the sentence and he is still in jail. Therefore, his first prayer cannot be considered. It is for the Jail Superintendent to calculate the remaining period of his sentence.

3. I have considered this application for the second prayer i.e. prayer clause (b). The applicant was granted bail by this Court (Coram: A. S. Gadkari, J.) vide order dated 16/03/2018 passed in Criminal Application No.977 of 2017 with Criminal Application No.1269 of 2017 in Criminal Appeal No.79 of 2016. The first clause of the operative part of that order reads thus:

a) During the pendency of the Appeal, the substantive sentence imposed upon the Applicant is suspended. The Appellant/Applicant be released on bail in MCOC Special Case No.2 of 2012 on his furnishing PR bond of Rs.50,000/- (Rupees Fifty Thousand only) with one or two solvent local sureties in the like amount.

This order was passed on 16/03/2018 and since then

the applicant has not been able to furnish local sureties.

4. The present application mentions that, he has arranged solvent sureties from Akola district, Maharashtra. Thus, in the interest of justice, the applicant can be permitted to furnish those sureties. His earlier application for acceptance of the sureties was rejected by the special court as they were not local sureties. Therefore, to that extent, Clause (a) the operative part of the order dated 16/03/2018 can be modified, because in spite of order passed in the year 2018 the applicant has not been able to avail of the same.

5. Hence, the order:

O R D E R

a) The Clause (a) of the operative part of the order dated 16/03/2018 passed in the aforementioned application is modified and instead of 'local sureties' in that clause (a) of the operative part, the order now shall reads thus:

“During the pendency of the Appeal, the substantive sentence imposed upon the Applicant is suspended. The Appellant/Applicant be released on bail in MCOC Special Case No.2 of 2012 on his furnishing PR bond of Rs.50,000/- (Rupees Fifty Thousand only) with one or two solvent sureties in the like amount”.

b) The rest of the clauses (b) and (c) of the said order shall remain as they are.

c) With these observations, the application is disposed of.

d) A copy of this order be given to the applicant at the earliest.

(SARANG V. KOTWAL, J.)