

VRJ

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

CRIMINAL APPLICATION NO.1192 OF 2022

Faisal Nisar Ahmed	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Prashant Pandey a/w Mr. Tushar Halwai with Suraj Singh & Vipul C. i/by W3Legal LLP for the applicant.

Mr. R.M. Pethe, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 6, 2022

P.C.:

- 1.** The petitioner is challenging order dated 23rd November, 2022 rejecting application for extension of time to furnish surety on the ground that he could not arrange the surety. The applicant has been charge sheeted in Crime No.876 of 2021 under sections 465, 467, 468, 471, 420 read with section 34 of the Indian Penal Code, 1860 and has been arrested thereafter.
- 2.** The applicant filed Criminal Application No.261 of 2022 and by order dated 22nd March 2022. The applicant was released on bail on furnishing PR Bond of Rs.1,00,000/- (Rupees One Lakh Only) with three or four sureties in the like amount.
- 3.** Learned Magistrate initially released the applicant on provisional cash bail by depositing cash surety of Rs.1,00,000/-

(Rupees One Lakh Only) and was granted six (6) weeks time to furnish surety as per order dated 24th March 2022.

4. The applicant thereafter filed Criminal Miscellaneous Application No.160 of 2022 seeking extension of time to furnish surety by four (4) months which was allowed by the learned Magistrate by granting extension of three (3) months, however, the applicant could not arrange the surety within three (3) months also.

5. The applicant, therefore, filed another application before the learned Magistrate seeking extension of time to furnish surety which has been rejected by the impugned order. The learned Magistrate in the impugned order held that sufficient opportunity was granted to the applicant for submitting the sureties and, therefore, recorded that the 'reason mentioned in the application not satisfactory'. While rejecting the application, the learned Magistrate granted thirty (30) days time to furnish surety.

6. Learned advocate for the applicant states that as a last chance the applicant be permitted to furnish surety withing six (6) weeks. He, on instructions, states that the applicant shall not seek further extension for furnishing surety as per order dated 22nd March, 2022.

7. Considering the nature of offence and the earlier order passed by the learned Magistrate, in my opinion, it would be in the interest of justice to permit the applicant to furnish surety as per the order dated 22nd March, 2022 within six (6) weeks from today.

8. It is made clear that this shall be the last extension to the applicant and no applications for extension of time shall be entertained on any ground.

9. If the applicant fails to furnish surety within six (6) weeks from today, clause (3) of the impugned order dated 23rd November, 2022 shall stand revive.

10. The criminal application is disposed of with above clarification. No costs.

(AMIT BORKAR, J.)