

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPLN) NO.23 OF 2022

(S. PALNIKUMAR SUBRAMANI....VS.. STATE OF MAH. THR. PSO PS SITABULDI, NAGPUR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A. Wasnik, Advocate for Applicant.
Shri S.D.Sirpurkar, A.P.P. for Non-applicant/ State.

CORAM : ANIL S. KILOR, J.
DATED : MARCH 01, 2022.

1. Heard.
2. By the present application, the applicant is seeking modification of the order dated 16/12/2021 passed by Additional Sessions Judge, Nagpur in Misc. Criminal Application No. 3724 of 2021 whereby the order dated 06/12/2021 passed by the Chief Judicial Magistrate, Nagpur in Regular Criminal Case No. 4242 of 2021 rejecting application for cash security and directing to furnish two solvent sureties out of which one from District Madurai (Tamilnadu) and another surety from Nagpur City, is set aside and modified to the extent that the applicant shall provide two sureties from Nagpur City instead of one from Tamilnadu.
3. The learned counsel for the applicant submits that he is ready to give local solvent surety and asking to give two solvent sureties is prejudicial to the applicant, particularly when the learned trial Court on merits considered that the applicant is entitled to release on bail. He, therefore, submits that he is ready to give one local surety from Nagpur city and he is, therefore, praying for modification of order dated 16/12/2021.

4. It is pointed out that the request for modification of the said order dated 06/12/2021 was accepted by the Additional Sessions Judge, Nagpur vide order dated 16th December 2021 passed in Misc. Criminal Application No.3724 of 2021, however, the applicant is directed to furnish two solvent sureties from Nagpur City; instead of one from Madurai (Tamilnadu).

5. Shri Sirpurkar, learned A.P.P. supports the order passed by the Additional Sessions Judge, Nagpur dated 16th December 2021.

6. After considering the facts that the applicant was granted bail for the offences punishable under Sections 380 and 427 read with Section 34 of the Indian Penal Code on his furnishing P.R. Bond of Rupees Fifteen Thousand, in my opinion, one local surety is sufficient to secure the presence of the applicant at the time of trial.

7. In that view of the matter, the application is allowed. The order dated 16th December 2021 is modified to the extent of furnishing one solvent surety and it is directed that instead of two solvent sureties, the applicant shall furnish one solvent surety from Nagpur City.

The Criminal Application stands **disposed of** accordingly.