

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.3055 OF 2023
IN BA/946/2023**

**AMAR SINGH MATHALLURAM SINGH
VERSUS
THE STATE OF MAHARASHTRA**

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Mrs. Sangita P. Daud-Sambre, Advocate for the Applicant.
Mrs. P. V. Giggikar, APP for Respondents-State.

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 04th SEPTEMBER, 2023.

PER COURT:-

1. The applicant is accused in Crime No.798/2022 registered with M.I.D.C. Police Station, Ahmednagar for the offences punishable under Section 341, 395 r/w. 34 of the Indian Penal Code.

2. By this application, the applicant seeks relaxation/modification of the condition imposed by this Court while releasing him on bail vide order dated 14.07.2023 passed in Bail Application No.946/2023.

3. The learned Advocate for the applicant would submit that this Court vide order dated 14.07.2023 directed release of the applicant on bail subject to furnishing of P.B. and S.B. of Rs.50,000/- (Rs. Fifty Thousand Only) with one solvent surety in the like amount. She would submit that the applicant has no financial resources, so also he is not in a position to fulfill the

condition as imposed by this Court. Therefore, inspite of bail order, he is behind bar. It is submitted that the NGO namely Samata Foundation, Aurangabad is ready to pay Rs.15,000/- towards cash surety for release of the applicant. The applicant would execute P.B. and also deposit Rs.15,000/- by way of cash surety through aforementioned NGO.

4. The learned APP however opposes the prayer for the reason that there are previous offence against the applicant. He is habitual offender. He is resident of Uttar Pradesh. In case of his release, it is difficult to secure the presence of the applicant during the trial.

5. Having considered the submissions advanced, apparently this Court on observing that no incriminating article could be recovered from the applicant directed enlargement of the applicant on bail. In that view of the matter, the applicant can be released on temporary bail so that he can find out surety and comply the condition as imposed by this Court under order dated 14.07.2023. Hence, this order:

ORDER

- a. Criminal Application is partly allowed.
- b. The applicant be released on temporary bail on execution of P.B. of Rs.50,000/- with cash surety of Rs.15,000/- (to be secured from Samata Foundation, Aurangabad) for the period of two months from the date of his release.
- c. The applicant shall endeavour to find out the solvent surety during the period of his release and comply the condition

underlined in the order dated 14.07.2023 in Bail Application No.946/2023.

d. During the aforesaid period, the applicant shall attend the MIDC Police Station, Ahmednagar once in a week i.e. every Thursday between 10.00 am to 02.00 pm, so also attend every effective date before the Trial Court.

e. The applicant shall furnish his latest mobile number and the contact numbers of two relatives alongwith their Aadhaar Card. In case, the applicant fails to furnish surety bond in compliance of the bail order dated 14.07.2023, he shall surrender on expiry of two months.

6. Criminal Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE