

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

**INTERIM APPLICATION NO. 145 OF 2023
IN
BAIL APPLICATION NO. 2491 OF 2019
(THROUGH JAIL)**

Salimali Munna Ansari	..Applicant
VS.	
The State of Maharashtra	..Respondent

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Adv. Advaita M. Lonkar for the Applicant.
Mr. S. V. Gavand, APP for the State.
PSI-N. K. Ghadge, Mahim Police Station present.

CORAM : M. S. KARNIK, J.

DATE : MARCH 3, 2023

P.C. :

1. Heard learned counsel for the applicant.
2. This is an application through jail. The applicant could not avail of the bail granted to him by the order dated 22/11/2021 passed by this Court in Bail Application No.2491 of 2019. The applicant states that he is in judicial custody from 12/09/2018 and has lost all his contacts in society. He is find it difficult to get the sureties for the amount and therefore prays for cash bail.

3. I have gone through the order passed by this Court on 22/11/2021 and the reasons for releasing the applicant on bail.

4. Learned counsel for the applicant submits that though the applicant was released on 22/11/2021, the applicant is still languishing in custody because he cannot arrange for sureties. The conditions are onerous according to him.

5. My attention is invited by learned counsel for the applicant to the decision of the Hon'ble Supreme Court in the case of **Guddan @ Roop Narayan Vs. State of Rajasthan**¹. Paragraph 17 reads thus :-

"Any other accused in a similar circumstance at this point would not be in custody, however, the present Appellant, because of the conditions imposed, has not been able to leave the languish of jail. Can the Appellant, for not being able to comply with the excessive requirements, be detained in custody endlessly? To keep the Appellant in jail, that too in a case where he normally would have been granted bail for the alleged offences, is not just a symptom of injustice, but injustice itself."

6. The applicant in his application prays for releasing him on cash bail or temporary cash bail of Rs.40,000/- as against the solvent sureties of Rs.40,000/-. He undertakes

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to comply with all other conditions imposed by this Court. The application deserves to be allowed. The applicant be released on cash bail of Rs.40,000/-. All other conditions in the order dated 22/11/2021 are maintained and the applicant to comply with the same as per his assurance.

7. The application is disposed of.

8. I appreciate the assistance rendered by Advocate Advaita Lonkar who appeared on behalf of the applicant.

(M. S. KARNIK, J.)