

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

**INTERIM APPLICATION NO.307 OF 2023
IN
CRIMINAL APPEAL NO.377 OF 2020**

Virendra Tufani @ Surendra Tufani Applicant

versus

State of Maharashtra & Anr. Respondents

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- Mr. Viral Rathod a/w Jating Jamkhande i/b. A. A. Sothe, Advocate for Applicant.
- Mr. S. R. Agarkar, APP for the State/Respondent No.1.

**CORAM : SARANG V. KOTWAL, J.
DATE : 25th JANUARY, 2023**

P.C. :

1. The Applicant has preferred Criminal Appeal No.377 of 2020 challenging the Judgment and Order dated 13/01/2020 passed by the Special Judge under POCSO, Greater Mumbai, in POCSO Special Case No.244 of 2018. The Applicant was granted bail pending his Appeal vide order dated 30/07/2021 passed in Interim Application No.1159 of 2020 in Criminal Appeal No.377 of 2020. He was directed to be released on PR Bond in the sum

of Rs.25,000/- with one or more sureties in the like amount. The Applicant could not furnish the surety for some time and therefore another application i.e. Interim Application No.114 of 2022 was preferred by him in the said Appeal. Vide order dated 11/02/2022 passed in that application, the Applicant was directed to furnish cash bail in the sum of Rs.15,000/- for a period of 8 weeks. That period was over but he could not furnish the surety. Therefore, he was granted another extension vide order dated 05/05/2022 passed in Interim Application No.1473 of 2022. Even thereafter he could not furnish surety and on other two occasions by separate orders in Interim Application No.1922 of 2022 and Interim Application No.2957 of 2022 in the same Criminal Appeal, he was directed to pay cost and permission was granted to furnish surety within a period of four weeks from those orders. The last order was passed on 12/09/2022 in Interim Application No.2957 of 2022 in Criminal Appeal No.377 of 2020. The Applicant was directed to deposit Rs.5,000/- by way of cost to Kirtikar Law Library within a period of two weeks from the date of the order i.e. from 12/09/2022.

As he did not pay the cost within that period and did not furnish surety; because of non-fulfilment of that condition, the Applicant was then arrested and taken in judicial custody on 21/11/2022.

2. Now this application is preferred for extension of time to pay the cost and on payment of such cost only, he can furnish his surety.
3. Considering the background of this application and also taking into account the fact that the Applicant was granted bail pending his Appeal, in the interest of justice, the application can be allowed. The time to pay the cost to Kirtikar Law Library, High Court, Mumbai, is extended by a period of two weeks from today. After such payment of cost, he can furnish surety before the Trial Court. The Trial Court shall entertain the application for furnishing surety as soon as he submits a proof of payment of cost.
4. With these directions the application is disposed of.

(SARANG V. KOTWAL, J.)