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

**INTERIM APPLICATION NO. 1424 OF 2023
IN
CRIMINAL WRIT PETITION NO. 3457 OF 2022**

Prakash B Gaulkar

...Applicant

Versus

The State of Maharashtra and another

...Respondents

Ms. Kritika Agrawal for the applicant

Mr. V. B. Konde Deshmukh APP for the State

**CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.**

DATE : 16th JUNE 2023

P.C. :

1. At the outset, learned counsel for the applicant seeks leave to amend the prayer clauses as well as C.R. number at serial No. 1 of paragraph No. 4.
2. Leave granted. Amendment to be carried out forthwith during the course of the day.

3. By this application, applicant seeks relaxation/modification of the order dated 20th October 2022 passed by this Court in the aforesaid Writ Petition in particular paras 3, 5 and 6 of the said petition.

4. The applicant has been arraigned as an accused in 13 cases registered with different police stations essentially for the offences punishable under sections 420, 409, 406 r/w 34 of the Indian Penal Code as well as under section 3 of the MPID Act.

5. It appears that all the accused in the present case have been enlarged on bail. It also appears that applicant despite being granted bail in all the said cases was unable to furnish sureties and hence filed the aforesaid Writ Petition, in this Court, praying therein, that the applicant may be permitted to furnish common surety/same sureties in all 13 offences in which he was granted bail. Pursuant thereto, this Court [Coram: A. S. Gadkari, Milind N. Jadhav, JJ.] vide order dated 20th October 2022 allowed the said application having regard to the

fact, that the applicant was languishing in jail and as he was unable to furnish sureties as directed by the trial Courts. This Court in para 3 has observed as under:

“3. In view of the fact that the Petitioner has been directed to be released on bail by the various Special Courts under the MPID in the State of Maharashtra and despite the said fact he is still languishing in jail, as he is unable to furnish separate sureties in all the cases, we are inclined to permit Petitioner to furnish one or more solvent sureties who are the residents of State of Maharashtra to make up the bail amount of Rs. 4,25,000/-.”

6. Despite the applicant having been granted permission to furnish one or more solvent sureties of persons who are residents of State of Maharashtra to make bail amount of Rs. 4,25,000/-, applicant was unable to furnish solvent sureties as directed and continues to languish in jail, despite the said order dated 20th October 2022.

7. Learned counsel for the applicant submits that the applicant has already spent 5 years in custody, as an undertrial and continues to

languish in jail due to his inability to furnish sureties despite being enlarged on bail and despite the order dated 20th October 2022.

8. Learned counsel for the applicant states that having regard to the applicant's financial condition, even para 6 be relaxed and the applicant be permitted to furnish one or more sureties in C.R. No. 397 of 2005 registered with Mahatma Phule Chowk Police Station and in rest 12 cases, he may be released on personal bond of Rs. 25,000/-.

9. Learned APP also does not dispute the financial condition of the applicant and the fact that he continues to be incarcerated for the last 5 years only because he is unable to furnish sureties as directed.

10. Considering the aforesaid, we allow the application and as such permit the applicant to be released on one or more sureties in the sum of Rs. 30,000/- in C.R. No. 397 of 2005 registered with Mahatma Phule Chowk Police Station. In all other 12 cases registered as against

the applicant, he may be released on executing personal bond of Rs. 25,000/-.

11. In the meantime, we direct the applicant be released on cash bail of Rs. 25,000/- in C.R. No. 397 of 2005 registered with Mahatma Phule Chowk Police Station for a period of 6 weeks. Within the said period, applicant to furnish sureties in C.R. No. 397 of 2005 registered with Mahatma Phule Chowk Police Station as directed and execute personal bond in all other 12 cases registered against him.

12. Application is allowed and disposed of on the aforesaid terms.

All the parties to act on authenticated copy of this order.

GAURI GODSE, J.

REVATI MOHITE DERE, J.