

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 810 OF 2020
WITH
INTERIM APPLICATION NO. 3273 OF 2021

Mohan Jayanta Gaikwad

...Petitioner/Applicant

V/s.

The State Of Maharashtra

...Respondent

None for Petitioner/Applicant.

Mrs. S.D. Shinde, A.P.P. for the Respondent-State.

CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.

DATE : 20th JANUARY, 2023.

P.C.:-

. By the present Petition, Petitioner, an under trial prisoner, in C.R.No. 315 of 2017 registered with Bundgarden Police Station, Pune City, for offences punishable under Sections 420, 407, 467, 468, 471 read with Section 34 of Indian Penal Code and Section 5 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, has prayed that, the condition for bail of furnishing P.R. bond of Rs.10,00,000/- with one or two solvent sureties in the like amount be reduced as he is unable to comply with said onerous condition.

2. In pursuance of our directions, learned A.P.P. has produced on record (i) Order dated 11.09.2018 passed below Exhibit – 1 in Criminal Bail

Application No.3516 of 2018, by learned Special Judge, Pune (Under the MPID Act), granting bail to Petitioner and (ii) Order dated 07.12.2019 passed below Exhibit – 4 in Special (MPID) Case No.9 of 2019, rejecting his Application for modification of bail condition.

3. Perusal of Order dated 11.09.2018 passed below Exhibit – 1 in Criminal Bail Application No.3516 of 2018 clearly reveals that, the trial Court granted in default bail under Section 167(2) of Cr.P.C. to Petitioner as the investigating agency did not submit charge-sheet in the crime within statutory period of 90 days. While granting in default bail to Petitioner, the trial Court has imposed a condition that, the Petitioner be released on bail on his furnishing P.R. bond of Rs.10,00,000/- with one or two solvent sureties in the like amount and has also imposed certain other conditions. Petitioner thereafter preferred an Application for modification of the relaxation of said condition below Exhibit -4. The trial Court by its Order dated 07.12.2019 has rejected the said Application.

4. Admittedly, the Order granting bail to Petitioner under Section 167(2) of Cr.P.C. is dated 11.09.2018 and it is only because of the said onerous condition imposed upon the Petitioner, in last four years he could not avail the bail granted to him.

5. In view of the above and in the interest of justice, we modify the said condition of furnishing P.R. bond of Rs.10,00,000/- imposed upon the Petitioner by the trial Court by Order dated 11.09.2018 in Special

(MPID) Case No.9 of 2019. We substitute the said condition by directing the Petitioner to furnish P.R. bond in the sum of Rs.25,000/- with one or two local sureties in the like amount.

6. Rest of the conditions imposed by the trial Court in Paragraph No.2 of Order dated 11.09.2018 are maintained.

7. Petition is allowed in the aforesaid terms.

8. All the concerned to act on the basis of an authenticated copy of this Order.

9. Registrar (Judicial – II) is hereby directed to communicate present Order to the Superintendent of Yerwada Central Prison, Pune, who in turn is directed to communicate present Order to Petitioner for his benefit.

10. In view of disposal of Petition, Interim Application No.3273 of 2021 does not survive and is accordingly disposed off.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)