

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

**CRIMINAL APPLICATION NO.582 OF 2022**

PRADNYA  
MAKARAND  
BHOGALE

Bhanuprakash Abhairaj Mishra

..Applicant

VS.

The State of Maharashtra

..Respondent

Digitally signed by  
PRADNYA MAKARAND  
BHOGALE  
Date: 2023.02.27  
11:47:19 +0530

-----  
Adv. Kanhaiya S. Yadav a/w Adv. Anu Kaladharan i/b. Adv.  
Govind J. Prajapati for the Applicant.  
Mr. S. V. Gavand, APP for the State.  
-----

**CORAM : M. S. KARNIK, J.**

**DATE : FEBRUARY 24, 2023**

**P.C. :**

**1.** Heard learned counsel for the applicant and learned APP for the State.

**2.** While rejecting the application for bail, the trial Court noticed that the applicant had made a false statement in the bail application that there was no previous bail application filed. A cost of Rs.50,000/- therefore imposed on the applicant.

**3.** Learned counsel for the applicant submits that as he was in custody, he was not aware of the statement that was made in the bail application. The application for bail in any

case is not on oath. Learned counsel for the applicant has tendered an unconditional apology for making such a statement. It is further stated that the applicant is a very poor person and because he is in custody his family is suffering. The applicant is not in a position to pay Rs.50,000/- which is the cost imposed by learned trial Court. No doubt, the applicant should have approached the Court with clean hands. However, now that the learned counsel for the applicant tendered an unconditional apology, in my opinion, the condition of deposit of cost of Rs.50,000/- needs to be interfered with. The clause (2) and (3) of paragraph 11 of the order dated 15/02/2022 passed by the trial Court in Criminal Bail Application No.161 of 2022 is set aside.

**4.** The application is disposed of.

**(M. S. KARNIK, J.)**