

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

CRIMINAL APPLICATION NO. 1316 OF 2022

Hasmukh Solanki ...Petitioner
Versus
State Of Maharashtra ...Respondent

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Mr. Milan Desai, Advocate for the Applicant.

Mr. Arfan Sait, APP for the Respondent – State.

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CORAM : R. G. AVACHAT, J.
DATE : 7th JANUARY, 2023.

PER COURT:

1. Heard.
2. The challenge herein is to the order refusing to accept a surety on the ground that the surety told the Court to have been working as a labourer with some contractor. He could not give the name of the contractor. To be specific, the order challenged is as under:-

“APP Ms. Ratnavali Patil for State present.
Today surety of accused no.4 namely Gorakhnath Madhukar Jadhav appeared before court. On perusal of the document filed on record, it reveals that surety reside at village Poha, Tal-Karanja, Dist- Washim. During inquiry, he stated that he used to work as painter in Mumbai. He could not state name of his contractor, person or building where he works, where he stayed during work in Mumbai. Therefore, I am not satisfied about his acquaintance with accused. Merely surety is having documents, his surety can not be accepted. Hence following order is passed.

ORDER

1. Surety is rejected.”
3. It is informed by learned Advocate that the surety in the sum

of Rs.1,00,000/- has been offered. Solvency certificate has also been obtained. If these are the facts, the trial Court ought to have accepted the surety.

4. In view of the same, the order impugned herein is set aside. The trial Court shall accept the surety offered by the Petitioner on the verification of papers as regards particular solvency certificate.

5. Criminal Application stands disposed of.

(R. G. AVACHAT, J.)