

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

**INTERIM APPLICATION NO. 4320 OF 2022
IN
CRIMINAL APPEAL NO. 177 OF 2022**

Mohd. Salim Noor Mohd. Shaikh ..Applicant
Versus
The State of Maharashtra & Anr. ..Respondents

Mr. Prashant V. Nayak for Applicant.
Smt. M. R. Tidke, APP for State/Respondent No.1.
Mr. Kartik Garg (Appointed Advocate) for Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 9 FEBRUARY 2023**

PC :

1. This application is sent by the Applicant through jail. He was granted bail pending his Appeal vide order dated 28/03/2022, passed in I.A.No.3152 of 2021 in Criminal Appeal No.177 of 2022. He was directed to be released on bail on executing P. R. Bond in the sum of Rs.25000/- with one or more sureties in the like amount. He was permitted to furnish cash bail in the sum of Rs.25000/- for a period of eight weeks in lieu of surety. The applicant has sent this application through jail mentioning therein that, he was unable to deposit the amount of Rs.25000/- and has

prayed that, he be released on bail on his executing P.R. bond.

2. Learned counsel for the applicant who is appointed through the Legal Services Authority of this Court states that, he had interaction with the Applicant and genuinely the applicant is unable to deposit Rs.25000/- or to furnish surety while he is in jail. Learned counsel submitted that the applicant has instructed him to state before the Court that once he comes out of the jail on bail, he can arrange for sureties. He also requested for reduction of the amount of bail. Learned counsel submitted that the applicant is above 70 years of age.

3. Learned counsel for the Respondent No.2 does not have serious objection to this. Learned APP does not have objection for showing leniency to the applicant.

4. I have considered the situation. The applicant was granted bail on 28/03/2022. For about a year, he was unable to fulfill this condition, therefore, his case appears to be genuine. He is already granted bail by a reasoned order. Therefore, the amount of bail is required to be reduced. Initially, he can be directed to be

released on his executing P. R. bond with certain conditions.

5. Hence, the following order:

O R D E R

- i) The order dated 28/03/2022 passed in I.A.No.3152 of 2021 in Criminal Appeal No.177 of 2022 is modified, as far as Clause Nos. (ii) and (iii) are concerned.
- ii) The Applicant is now directed to be released on bail on his executing P. R. bond in the sum of Rs.15000/-.
- iii) Once the Applicant is released on bail on his executing P.R. bond, he shall furnish one or two sureties for Rs.15000/- within a period of eight weeks from his release.
- iv) For the period of eight weeks after his release, he shall attend the concerned police station on every alternate day.
- v) Rest of the conditions mentioned in the order dated 28/03/2022 are retained as they are.
- vi) The Application is disposed of.

(SARANG V. KOTWAL, J.)