



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

902 CRIMINAL APPLICATION NO.558 OF 2024 IN BA/1838/2023

RECARDO CRISTOPHER GOMES
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. S.V. Dixit
APP for Respondent : Mr. S.K. Shirse

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CORAM : S. G. CHAPALGAONKAR, J.
Dated : February 28, 2024
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PER COURT :-

1. Heard learned advocate appearing for the applicant and learned APP for the Respondent-State.

2. Applicant seeks to relax the condition imposed by this Court in Bail Application No.1838 of 2023 requiring him to deposit Rs.11,03,800/-. Mr. Dixit, learned advocate appearing for the applicant submits that, due to mis-communication between applicant and advocate representing him in BA No.1838 of 2023, a statement was made on behalf of applicant that he is ready and willing to deposit the entire amount involved in this Crime. Mr. Dixit would further submit that, the applicant was, in fact, ready to give the security to pay amount to the informant and others in case he is released on bail and, therefore, seeks modification of the condition in clause no.ii (a) of the order dated 8.11.2023, by which the applicant was granted conditional bail.

3. Learned APP strongly opposes the prayer. He would submit that applicant was granted bail only because of the statement made on behalf of applicant that he is ready to deposit entire amount involved in crime, which was quantified to Rs.11,03,800/-. Apparently, when this Court has put a condition based on voluntary

offer given by the applicant while seeking condition bail, it would not be possible to relax such condition.

4. In that view of the matter, there is no merit in the application. The application stands rejected. However, it is made clear that, in case, the applicant files a successive application for grant of bail on permissible grounds, it may be considered on its own merits by the Court of Sessions.

5. Criminal application is accordingly disposed off.

(S. G. CHAPALGAONKAR, J.)

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aaa/-