

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.225 OF 2024

Alok Surendra Mazi	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Ms. Priyanka H. Chavan, Appointed Counsel, for the Applicant.
Ms. Veera Shinde, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 27th SEPTEMBER 2024

PC:-

1. In view of the report dated 21st August 2024 of the District Legal Services Authority, Kolhapur, this Bail Application is placed before this Court.
2. By order dated 20th February 2024, this Court has granted bail to the Applicant on the following terms:

“(a) The Applicant- Alok Surendra Mazi be released on bail in connection with C.R. No.303 of 2023 registered with the Juna Rajwada Police Station, District-Kolhapur on his furnishing P. R. Bond of Rs.50,000/- with two or more solvent local sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicant shall report to the Juna Rajwada Police Station, District- Kolhapur once in a week i.e. on every Sunday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(d) The Applicant will not leave the jurisdiction of Kolhapur City.

(e) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(f) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(g) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(h) The Applicant shall surrender his passport, if any, to the Investigating Officer.”

3. However, in the report dated 21st August 2024 of the District Legal Services Authority, Kolhapur it is stated that, it is found by the jail visiting Lawyers/LADCS Lawyers that in spite of granting

bail to the Applicant, he has not furnished the surety. It is further stated in the report that in view of the directions issued by the Supreme Court regarding strategy for granting bail dated 31st January 2023, the DLSA Secretary is under obligation to take help of Probation Officer or PLV to prepare report on socio-economic condition of such inmate who fails to furnish the bail for 7 days and is not released within 7 days. In view of that direction, the Probation Officer for Kolhapur District was appointed to investigate the socio-economic condition of the Applicant vide order dated 1st August 2024. The Probation Officer submitted the socio-economic report of the Applicant on 2nd August 2024. In the said report dated 21st August 2024 of the District Legal Services Authority, Kolhapur what is stated about the said socio-economic report of the Applicant is as follows:

“ As per the said report accused Alok Mazi belongs to rural area of Odissa State where his parents are working as labourers and their economic condition is not good. As per the said report his source of earning was the agricultural. His parents or the relatives have not met to him since 19/04/2023. He is having parents, 03 children's and wife as per report of Probation Officer. Neither this accused nor his family members are able to secure local surety of Rs.50,000/ nor the accused is having economic

condition to pay Rs.50,000/- instead of surety bond.”

4. In view of the said report dated 21st August 2024 submitted by the District Legal Services Authority, Kolhapur, the matter is placed before this Court on 25th September 2024. By order dated 25th September 2024, Ms. Priyanka H. Chavan, learned Counsel who is on the panel of the High Court Legal Services Committee, Mumbai is appointed to represent the Applicant. With the assistance of the High Court Legal Services Committee, Mumbai, Ms. Priyanka Chavan, learned Counsel had taken instructions yesterday from the Applicant through Video Conferencing. After taking instructions from the Applicant, Ms. Priyanka Chavan, learned Counsel states that the Applicant is in a position to furnish Rs.5,000/- cash surety. However, he is not in a position to arrange for local solvent sureties or local sureties.

5. Accordingly, order dated 20th February 2024 granting bail to the Applicant is modified and the Applicant is enlarged on bail by imposing the following conditions:

ORDER

- (a) The Applicant- Alok Surendra Mazi be released on bail in connection with C.R. No.303 of 2023 registered with the Juna Rajwada Police Station, District-Kolhapur on his furnishing P. R. Bond of Rs.5,000/- with cash surety in the like amount.
- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (c) The Applicant shall report to the Juna Rajwada Police Station, District – Kolhapur as and when called by the Investigating Officer till the conclusion of the trial.
- (d) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.
- (g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

6. The order dated 20th February 2024 passed in Criminal Bail Application No.225 of 2024 is modified in above terms.

7. This Court places on record the appreciation for an assistance rendered by Ms. Priyanka Chavan, learned Counsel appointed to represent the Applicant.

[MADHAV J. JAMDAR, J.]

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