



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

**INTERIM APPLICATION NO.458 OF 2023
IN
CRIMINAL APPEAL NO.253 OF 2013**

DEEPAK DATTATRAYA VARTAK ..APPLICANT

VS.

THE STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

Adv. Aman Kothari a/w. Adv. Gaurav Kalekar i/b. Adv.
Vaibhav Bagade for the applicant.

Mr. S.H. Yadav, APP for the State.

Mr. Shreeram Shirsat, SPP a/w Ms. Tanvi Mate for CBI.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 10, 2024.

P.C. :

1. This is an application for cash bail surety in lieu of surety.
2. The appeal is of the year 2013. The applicant was convicted and sentenced to suffer rigorous imprisonment for two years and to pay fine amount. The fine amount has been paid. The applicant was enlarged on bail. The surety was furnished. During the pendency of the appeal, the surety expired. The application is filed that in lieu of the surety the applicant may be permitted to furnish the cash

bail.

3. The application is vehemently opposed by learned counsel Mr. Shirsat appearing on behalf of the CBI. However, in the peculiar facts and circumstances of the present case, I am inclined to allow the application.

4. The applicant is 71 years of age. There is nothing on record to indicate that the applicant had misused his liberty while on bail or that he has violated any of the conditions. It is further mentioned in the application that the applicant's wife is suffering from ovarian cancer and she is undergoing treatment. Looking at the past conduct, the applicant does not appear to be a flight risk.

5. For the reasons mentioned in the application, I am inclined to allow the application looking at the age of the applicant and in the facts and circumstances of the case.

6. The applicant is permitted to furnish cash bail surety of Rs.10,000/- in lieu of surety within a period of four weeks.

7. The applicant shall furnish his latest address and contact details within a period of two weeks from today on an affidavit to be filed in this Court and inform change of

address if any.

8. The applicant shall deposit his passport with this Court, if not already deposited.

9. The applicant shall not leave the country without the leave of this Court.

10. The application is disposed of.

(M. S. KARNIK, J.)