

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 28 OF 2024

SANTOSH
SUBHASH
KULKARNI

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KULKARNI
Date: 2024.02.08
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Micky Akabudze

...Applicant

Versus

State of Maharashtra

...Respondent

Ms. Lochan Chandka, i/b Advait Tamhankar, for the
Applicant.

Mrs. Geeta Mulekar, APP for the State/Respondent.
PSI Ashok Parashram Bhansi, Kashimira Police Station,
Thane, present.

CORAM: N. J. JAMADAR, J.

DATED: 7th FEBRUARY, 2024

PC:-

1. Heard the learned Counsel for the parties.
2. This is an application for modification of the amount of the bail bond ordered to be furnished by the learned Special Judge while releasing the applicant on bail.
3. By an order dated 21st September, 2022, the applicant was directed to be released on bail on executing a PR Bond in the sum of Rs.2,00,000/- with one or two sureties in the like amount. By subsequent orders dated 8th May, 2023 and 15th June, 2023, the amount of bail bond came to be reduced to the sum of Rs.1,00,000/- for a period of one month, with a

condition that the applicant shall furnish solvent surety in the sum of Rs.2,00,000/- as specified in the original order within 30 days thereof.

4. The learned Counsel for the applicant submitted that the applicant could not comply with the conditions by which the applicant is ordered to be released on bail. The applicant is thus languishing in prison despite the order of bail dated 21st September, 2022. The learned Counsel for the applicant submitted that the Passport of the applicant has already been seized.

5. The applicant could not furnish the bail though he has been ordered to be released on bail by an order dated 21st September, 2022. It is true the applicant appears to be a foreign national. However, the amount of bond should not be onerous. It appears that the applicant, being a foreign national, is finding it difficult to furnish a surety in the sum of Rs.2,00,000/-. Having regard to the period for which the applicant has been incarcerated and his inability to furnish the surety, the order dated 21st September, 2022 stands modified to the extent that the applicant be released on executing a PR Bond in the sum of Rs.50,000/- with one solvent surety in the like amount.

6. Rest of the conditions shall continue to operate.
7. Application stands disposed.

[N. J. JAMADAR, J.]