

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 155 OF 2024

Mohammed Iftexhar		
s/o. Mohammed Akhlaque Siddiqui	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Mohd. Saeed Mughal for applicant.

Ms. Megha S. Bajoria, APP for respondent-State.

CORAM : MANISH PITALE, J.
DATE : 24th JUNE, 2024

P.C. :

. The present application is filed for relaxing a specific condition imposed by the Sessions Court while allowing the bail application of the applicant. The said condition reads as follows:

“3) Applicant be released on cash security of Rs.10,00,000/-
 (Rs. Ten lac only) with P.B. & S.B. of Rs.50,000/-.”

2. The learned counsel for the applicant submits that in terms of a request made on behalf of the applicant and recorded in clause No.3 of the operative order, the applicant could arrange for an amount of Rs.5 lakhs and the same stood deposited before the concerned Court at Thane. But, the applicant is unable to deposit the further amount of Rs.5 lakhs within the period of 30 days granted in the said order dated 15.04.2024 passed by the Court of Additional Sessions Judge, Thane. He further submitted that the aforesaid period of 30 days was further extended by the Court and that the last date is tomorrow (25.06.2024). On this basis, the present application is urgently mentioned.

3. The learned counsel for the applicant submits that imposition of such onerous condition has been frowned upon by the Supreme Court in various orders and it is held that such onerous condition cannot be imposed, if the applicant is found entitled for being enlarged on bail. He has specifically placed reliance on order dated 03.01.2023 passed by the Supreme Court in Criminal Appeal No.120/2023 (**Guddan @ Roop Narayan vs. State of Rajasthan**).

4. The learned APP is opposing the present application. It is submitted that misappropriation to the extent of about Rs.70 lakhs is alleged against the applicant and the co-accused persons. It is submitted that the statement made on behalf of the applicant needs to be verified as to whether the time period for depositing the balance amount of Rs.5 lakhs was extended.

5. In view of the above, list the application for further consideration on 09.07.2024.

6. In the meanwhile, considering the fact that the applicant has already deposited the amount of Rs.5 lakhs with the concerned Court, it is directed that no coercive steps will be taken against the applicant till the next date of listing.

(MANISH PITALE, J)