

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

CRIMINAL APPLICATION NO. 155 OF 2024

Mohammed Iftekhhar Mohammed
Akhlaque Siddiqui ... Applicant
Versus
The State of Maharashtra ... Respondent

Mr. Mohd. Saeed Moghul a/w Deepa Panicker for the Applicant.
Ms. Megha S. Bajoria, APP for Respondent-State.
Mr. Manish Pote, API, Kasarvadavali Police Station.

**CORAM: MANISH PITALE, J.
DATE : 11th JULY 2024**

P.C. :

. Heard learned counsel for the applicant and learned APP for respondent-State.

2. By this application, the applicant seeks relaxation of condition for cash security of Rs.10,00,000/- imposed by the Sessions Court while allowing his bail application by an order dated 15th April 2024.

3. The learned Counsel for the applicant relied upon order of the Supreme Court in the case of ***Guddan @ Roop Narayan v/s. State of Rajasthan*** (order dated 3rd January 2023 passed in *Criminal Appeal No. 120 of 2023*). He submits that onerous conditions should not be imposed. It is pointed out that in terms of the said order, the applicant has already furnished cash security

of Rs.5,00,000/- and the remaining cash security pertaining to the balance amount is yet to be furnished. It is in this backdrop that the present application has been filed.

4. The learned APP submits that in the first place, the applicant could have approached the Sessions Court itself. It is submitted that in any case, the applicant has partly abided by the order of the Sessions Court and now he is turning around to challenge the said condition and seeking relaxation. This Court may consider these circumstances while disposing of the present application.

5. The position of law clarified by the Supreme Court has been reiterated to the effect that conditions imposed while granting bail cannot be onerous. Directions to deposit huge amounts have been frowned upon by the Supreme Court. The position of law cannot be disputed.

6. Nonetheless, in the present case, the Sessions Court directed the applicant to furnish cash security of sum of Rs.10,00,000/-. It is an admitted position and that he has already furnished cash security of Rs.5,00,000/- and on that basis, he was released on bail. The Sessions Court granted time of 30 days to furnish the remaining cash security of Rs.5,00,000/-.

7. In these circumstances, this Court is inclined to dispose of the present application by issuing appropriate directions.

8. In view of the above, the application is disposed of by

modifying condition No.2 of the order of the Sessions Court dated 15th April 2024, by reducing the cash security to Rs.5,00,000/-, which the applicant has already deposited.

9. Accordingly, the applicant will not be required to deposit further cash security amount of Rs.5,00,000/-. Since, the applicant is already released on bail, no further orders are necessary.

MANISH PITALE, J.