

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

**INTERIM APPLICATION NO. 1399 OF 2024
IN
CRIMINAL APPEAL NO. 1045 OF 2022**

TALLE
SHUBHAM
ASHOKRAO

Sunil Kumar @ Piyush Gaurishankar Tiwari

... Applicant (Org.

Accused No. 5)

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TALLE SHUBHAM
ASHOKRAO
Date: 2024.04.18
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Vs.

The State of Maharashtra & Anr.

... Respondents

Adv. Vrushali Maindad, a/w Adv. S. Kapadia for the Appellant/Applicant.
Mr. Pradip D. Gharat, Special Public Prosecutor, for C.B.I.
Mr. B. V. Holambe Patil, APP for State.

CORAM : KISHORE C. SANT, J.

DATE : 17th APRIL, 2024

P.C.:-

1. Heard. This Application is filed by the Original Accused No. 5 praying for relaxation of condition of depositing the amount of fine. Earlier Application of this Applicant bearing Interim Application No. 2969 of 2022 is already allowed and he is directed to be released on bail by suspending substantive sentence on a condition of depositing the amount of fine.
2. The learned Advocate for the Applicant submits that the Applicant was serving as a Taxi Driver and since long he is in jail. He lost his wife and there is no other person to look after him. He is thus not in a position to deposit the amount of fine of Rs. 5 lakh.

3. The learned Advocate for the Respondent vehemently opposes the Application, he submits that the Applicant is not original resident of Maharashtra State, if he is released on bail there are chances of his going back to his home state. He submits that in that case it would be difficult to get him in case appeal is decided and to recover the fine amount.

4. Considering the fact that though the Order is passed on 22nd February, 2024, till now the Applicant could not arrange for payment of fine amount. He is in jail and as stated there is no one to look after him. This Court finds that under such circumstances the condition of depositing the amount need to be modified by imposing some other condition.

5. The condition of depositing of fine is relaxed. The Applicant shall be released on bail on depositing an amount of Rs. 50,000/-. The Applicant shall not leave the State of Maharashtra, till the Appeal is decided.

6. In Order dated 22nd February, 2024, passed by this Court stands modified, except clause (iii), other clauses are to be read as it is.

(KISHORE C. SANT, J.)