

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

***INTERIM APPLICATION NO.1821 OF 2024
ALONGWITH
INTERIM APPLICATION NO.3371 OF 2023
IN
CRIMINAL APPEAL NO.1057 OF 2023***

Kalu Uttam Sonawane

.... Applicant/
Appellant

Versus

The State of Maharashtra and Anr.

.... Respondents

.....

Mr.Sujeet Bugade, Advocate for the Applicant/Appellant.

Mr.S.V. Gavand, APP for Respondent – State.

.....

***CORAM : BHARATI DANGARE &
MANJUSHA DESHPANDE, JJ.***

DATED : 11th JUNE 2024.

P.C. :

1 Since the applicant though directed to be released on bail could not furnish the sureties, he continued to remain incarcerated. Today, the learned counsel has placed a report dated 18th May, 2024, under the signature of the Senior Prison Officer, Nashik Road Central Prison, as well as one Mr.Lakhan R. Kumawat referred to as, “Social Worker”, who has conducted a home visit and reported to the Court that no surety is available for securing his release, but if he is released on individual bond, he would arrange for the sureties or if he is released on cash bail, the amount shall be deposited through an NGO.

2 The report dated 18th May, 2024, addressed to this Court is taken on record and marked “X”, for identification. Copy of the report be also furnish to Mr.Gavand.

3 Mr.Gavand has invited our attention the resent orders passed by the Hon’ble Apex Court in RE POLICY STRATEGY FOR GRANT OF BAIL (SMWP)(CRIMINAL) NO.4/ 21) where on 31st January, 2023, on being confronted with the issue of accused not being released on bail in multiple cases despite the grant of bail, for not furnishing bail bonds had cropped up and exhaustive guidelines have been laid down to be followed in such a scenario.

 According to Mr.Gavand in such a contingency, the DLSA is roped in and it is expected that the para legal volunteer or an advocate visiting the jail, shall submit the report on economic conditions of the accused, which shall be placed before the Court to consider whether a case is made out to relax the condition(s) of bail/sureties.

 The guidelines further contemplate that in cases where under-trial or convict requests the Court that he can furnish bail bonds or sureties once released, then in an appropriate case the Court may consider granting temporary bail for specified period to the accused, so that he can furnish bail bonds or sureties.

 The aforesaid mechanism being specifically laid

down by the highest court of this country binds each and every one.

4 Let Mr.Gavand obtain necessary instructions about the mechanism that is followed by the Senior Prison Officer Nashik Road and whether this is a permissible mechanism in the wake of the recent directions of the Supreme Court indicated above.

Re-notify to 19th June 2024.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGARE, J.)