

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2134 OF 2024
IN
BAIL APPLICATION NO. 421 OF 2024

Gulfam Zahir Hasan

.Applicant

Versus

The State of Maharashtra

.Respondent

Mr. Diptendu Bose a/w. Mr. Pranay Saraf & Mr. Krishna Joshi,
Advocate, for the Applicant
Ms. R. V. Newton, APP, for the Respondent – State

CORAM : MADHAV J. JAMDAR, J.

DATE : 07.08.2024

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1. Heard Mr. Bose, learned counsel for the Applicant and Ms. Newton, learned APP for the Respondent – State.

2. In the Interim Application, the prayer sought by the Applicant is to relax the condition No. 12(a) imposed upon the Applicant while granting bail by Order dated 03.04.2024 passed by this Court in B. A.

No. 421 of 2024. The said condition No. 12(a) reads as under :

“12(a) The Applicant – Gulfam Zahir Hasan be released on bail in connection with C. R. No. 214 of 2018 registered with the Warje Malwadi Police Station, District-Pune on his furnishing P. R. Bond of Rs. 25,000/- with one or two local solvent sureties in the like amount.”

3. It is required to be noted that the Applicant is incarcerated since 13.11.2018. The order dated 03.04.2024, by which the Applicant has been granted bail by this Court records that although the Applicant is incarcerated for more than 5 years and 10 months, there is no progress in the trial and even charge is also not framed.

4. Mr. Bose, learned counsel for the Applicant states that the Applicant is a permanent resident of New Delhi and he is finding extremely difficult to arrange local solvent sureties. He states that provisional cash bail be granted in lieu of furnishing sureties for a period of 12 weeks from today. Learned counsel for the Applicant states that during that period, solvent surety will be furnished.

5. It is required to be noted that this Court vide Order dated 03.04.2024 had granted bail to the Applicant. However, for a period of 5 months, the Applicant is unable to furnish local solvent sureties and therefore, the Applicant is not in a position to avail the bail. A case is made out for relaxation of the aforesaid condition No. 12(a). The said condition No. 12(a) is relaxed and substituted as follows :-

ORDER

(a) The Applicant - Gulfam Zahir Hasan be released on bail in connection with C.R. No.214 of 2018 registered with the Warje Malwadi Police Station, District-Pune on his

furnishing P.R. Bond of Rs. 10,000/- with one or two solvent sureties in the like amount. The Applicant is granted leave to furnish cash bail in lieu of sureties for a period of 12 weeks.

6. It is clarified that other conditions as imposed by the Order dated 03.04.2024 in B. A. No. 421 of 2024 shall remain unaltered.

[MADHAV J. JAMDAR, J.]