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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2232 OF 2024
IN
CRIMINAL APPEAL NO.152 OF 2023**

David Juran Malya @ Kochya	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Mr.Ranjan Rajgor for the Applicant.
Mr.S.V. Gavand, APP for the State.

**CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ**

DATE : 2nd SEPTEMBER, 2024.

P.C.

1] In the order dated 27.08.2024, the House Enquiry Report was placed before us indicating that his brothers have refused to stand as surety and they have disassociated themselves with the Accused.

Today, the learned counsel for the Applicant has instructions to make a statement that the brother in law of the Applicant is ready to furnish cash bail and the Applicant also undertake that within a period of two weeks from his release, he shall furnish the bail bond or sureties, as required, by order dated 01.04.2024 passed in Interim Application No.1614/2023 arising out of Criminal Appeal No.152/2023.

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2] The Hon'ble Apex Court in case of ***In Re Policy Strategy for grant of Bail*** (SMWP Cri. No.4/2021) has set out the methodology to be adopted for ameliorating the issue, when an Accused despite being directed to be released on bail, is unable to avail the benefit on account of inability to fulfill the conditions.

A mechanism is, therefore, worked out with the assistance of the District Legal Services Authority and certain directions are issued, which include a stipulation that in cases where an under-trial or convict request that he can furnish bail bond or sureties, once released, in an appropriate case, the Court may consider granting temporary bail for a specified period to the accused, so that he can furnish bail bond or sureties. However, this is hedged with a caveat that if there is no compliance, the concerned Court may so motto take up the case and consider whether the conditions of bail require modification.

3] Since the learned counsel for the Applicant has undertaken that the Applicant shall furnish the bail bond/sureties in compliance of the order dated 01.04.2024, within a period of two weeks from his release, we permit his release on bail, subject to the following stipulations :-

i] The Applicant shall be released on furnishing cash bail of Rs.25,000/- as undertaken, by the brother in law of the Applicant.

ii] The Applicant shall furnish the sureties of Rs.25,000/- as directed by order dated, 01.04.2024, within a period of two weeks from his release.

iii] The Applicant shall mark his attendance in Uttan Sagari Police Station every day between 5.00 to 6.00 p.m.

iv] The Applicant shall also furnish his residential address and contact number at the time of his visit, alongwith the contact number

and address of his mother and the sister alongwith her husband, who is to furnish cash bail.

v] Needless to state that if there is failure to adhere to the aforesaid conditions, upon an appropriate Application filed by the prosecution, this Court will take so motto cognizance of the said lapse and direct cancellation of the bail, requiring him to be taken into custody.

Interim Application stand disposed off in the abovesaid terms.

[MANJUSHA DESHPANDE, J]

[BHARATI DANGRE, J]