

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

***INTERIM APPLICATION NO. 2544 OF 2024
IN
INTERIM APPLICATION NO. 2752 OF 2024
IN
CRIMINAL APPEAL NO. 1356 OF 2018***

Mohammad Alam Abbas Khan ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Yakub Shaikh, Appointed Advocate for the Applicant

Mrs. P. P. Shinde, A.P.P for the Respondent-State

***CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
TUESDAY, 27th AUGUST 2024***

P.C :

1 By this application sent through Jail, the applicant seeks reduction of the surety amount, as he is unable to comply with the orders dated 7th January 2023 and 19th October 2023.

2 Perused the papers. This Court (Coram : Nitin W. Sambre and R. N. Laddha, JJ.) vide order dated 7th January 2023,

suspended the applicant's sentence and enlarged him on bail, pending the hearing and final disposal of his aforesaid appeal on the following terms and conditions :

“i) The application is allowed.

ii) The Applicant be released on bail, on furnishing PR Bond of Rs.25,000/- with one or two local sureties in the like amount.

iii) The Applicant shall neither influence the witnesses nor tamper with the evidence.

iv) The Applicant shall attend the police station once in every 10 weeks till the conclusion of the trial.”

3 Since the applicant could not furnish bail as directed, the applicant filed an interim application being Interim Application No. 2752/2023 and sought his release on cash bail, so as to enable him to furnish sureties after his release on cash bail. Accordingly, this Court (Coram : Nitin W. Sambre & N.R. Borkar, JJ.) vide order dated 19th October 2023 modified the order dated 7th January 2023 as under :

“(i) The applicant shall be released on cash bail of Rs.25,000/-. It is directed that within a period of three months from the date of actual release, the applicant shall furnish one or two local sureties for an amount of Rs.25,000/-;

(ii) The applicant shall furnish his residential address and contact number to the concerned police station;

(iii) Apart from above, for a period of three months, i.e. till the applicant furnishes local sureties, he shall attend the concerned police station once in every week.”

4 It appears that despite the aforesaid order, the applicant is unable to furnish bail and as such, is in custody, despite having been granted bail on 7th January 2023 and the conditions therein modified vide order dated 19th October 2023.

5 We interacted with the applicant through video-conferencing. He requests that the surety amount be reduced and as such, he be released on cash bail of Rs.10,000 to Rs.15,000/-.

6 Accordingly, we modify the orders dated 7th January 2023 and 19th October 2023 as under :

ORDER

(i) The applicant be released on cash bail in the sum of Rs.15,000/- for a period of three months;

(ii) The applicant, within a period of three months from the applicant's release, shall furnish P.R. Bond in the sum of Rs.15,000/- with one or two local sureties in the like amount;

(iii) Insofar as condition No. (iv) of the order dated 7th January 2023 is concerned, the applicant shall attend the concerned police station once in every 10 weeks, till the conclusion of the appeal.

(iv) Condition No. (iii) of the order dated 7th January 2023 and condition Nos. (ii) and (iii) of the order dated 19th October 2023 to remain the same.

7 The application is allowed in the aforesaid terms and is accordingly disposed of.

8 All concerned to act on the authenticated copy of this
order.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.