

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3905 OF 2024
IN
INTERIM APPLICATION NO.3444 OF 2023
WITH
CRIMINAL APPEAL NO.1116 OF 2023

Umesh Chandrasen Ambre .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr. Rupesh Bobade (Appointed Advocate) for the Applicant.
Mr. D.J. Haldankar, APP for the State.
Mr. Avinash Mahadik, A.S.I., Chiplun Police Station.

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 14th OCTOBER, 2024

P.C:-

1 As directed by the order dated 30/09/2024, the report dated 13/10/2024, under the signature of P.I. Chiplun Police Station is placed before us.

The report is accompanied with the statement of one Sandeep Gamre, an acquaintance of the applicant as well as his real brother Nilesh Ambre and from the version of the two witnesses, the applicant is in habit of consuming alcohol and creating nuisance. Apart from this, it is also disclosed that he do not have any immovable property in his name and he is not in a position to furnish a P.R. bond of Rs. 25,000/- and none of his relatives are agreeable to stand surety for him.

2 By order dated 12/12/2023, the applicant was directed to be released on bail on furnishing P.R bond in the sum of Rs. 25,000/- with one or more sureties, but despite this order being passed in December, 2023, the petitioner was not in a position to comply with the conditions and therefore he has addressed a communication to this Court, for securing his release on bail, with a specific request that he should be released on bail on personal bond for three months for arranging the surety.

3 We are quite conscious of the decision of the Apex Court in case of In Re Policy Strategy for grant of bail, where the Apex Court on being confronted with such cases, where the under trial prisoners continue to be in custody, despite having been granted benefit of bail on account of their inability to fulfill the conditions, with the assistance of the amicus curiae several guidelines were formulated and it definitely intended to grant benefit to such a person, with the assistance of the DLSA, who shall carry out the survey about his socio economic conditions and then the Court may relax the condition of bail/surety.

The guidelines formulated by the Court also contemplate that in 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 and if bail bonds are not furnished within one month from grant of bail, the concern Court may suo moto take up the case and consider whether the conditions of bail require modification/relaxation.

4 In the wake of the report that is placed before us, since we have noted that no person is ready to stand as surety and in

absence of any immovable property standing in the name of the applicant, it will be difficult for him to furnish the surety and though today we may release him by accepting his personal bond, he may flee the course of justice as the report placed before us indicate that he has no means to furnish the bail bond in future.

We expect the learned counsel, who is representing the applicant to take appropriate instructions in that regard.

We expect the learned counsel represented through legal aid to have a word with the applicant to ascertain the potential, of he furnishing the bail bond and upon such instructions being obtained, we may reduce the amount of bail bond.

To be listed on 21/10/2024.

(MANJUSHA DESHPANDE,J)

(BHARATI DANGRE, J.)