

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.4789 OF 2024
WITH
CRIMINAL APPEAL NO.589 OF 2021
WITH
INTERIM APPLICATION NO.854 OF 2021
IN
CRIMINAL APPEAL NO.589 OF 2021

Tausif Jahangir Ali @ Amit .. Applicant
Versus
The State of Maharashtra .. Respondents
...

Mr. Pawan Mali for the Appellant.
Mr. S.V. Gavand, APP for the State.

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 4th DECEMBER, 2024

P.C:-

1. By order dated 28/02/2024, the appellant was directed to be released on bail on furnishing PR in the sum of Rs. 25000 with one or two solvent sureties in the like amount.

Despite this order being passed on 28/02/2024, the appellant continued to be incarcerated, since he was unable to furnish the sureties, and through the communication addressed to the Hon'ble the Chief Justice on 6/09/2024, he has made a request for his release on his personal bond, with an assurance that after being released, he shall furnish the sureties.

2. We have considered the request made in the application.

3. In *In Re Policy Strategy for grant of bail 2023 SCC Online SC 483*, the Hon'ble Apex Court had specifically issued guidelines to deal with the contingencies, where the prisoner continued to remain incarcerated despite being released on bail since it is not economically viable for him to furnish sureties. It was therefore, directed that the prisoner shall be released on his personal bond, with an undertaking given by him that he shall furnish sureties within stipulated period.

4. Applying the aforesaid principle laid down by the Apex Court in form of the directions, we deem it appropriate to direct the release of the applicant on his personal bond and on an assurance, that he shall furnish the sureties within a period of six weeks thereafter in the Court of Sessions Judge, Raigad, Alibagh.

The necessary compliance shall be ensured by the Superintendent Visapur, open District Prison, who shall accept the personal bond and secure the release of the applicant. Needless to state that he shall abide the conditions imposed upon him while enlarging him on bail on 28/02/2024, which shall be to the following effect:-

“(ii) After his release from jail and during the pendency of the present Appeal, the Applicant shall attend Panvel City Town Police Station, Raigad on every first Monday of the month between 10.00 a.m and 12.00 noon initially for a period of one year.

After end of one year, the Applicant shall attend Panvel City Town Police Station, Raigad on every 1st Monday of every 3rd Month between 10:00 a.m and 12:00 noon. The Applicant thus shall attend Panvel City Town Police Station, Raigad four times in a year during the pendency of the present Appeal.

(iii) *In case of two consecutive defaults in complying with the aforesaid conditions, the Prosecution is at liberty to file an Application for cancellation of his bail.*

(iv) *Applicant shall inform his prospective residential address to the trial Court. The Applicant shall keep informed the trial Court of any change in his residential address and his mobile number, on which he can be contacted.”*

With the aforesaid directions interim application is disposed off.

(MANJUSHA DESHPANDE,J)

(BHARATI DANGRE, J.)