



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3695 OF 2025
IN BA/62/2025

Juned Mustak Pathan
VERSUS
The State Of Maharashtra

...

- Mr. Rupesh Anil Jaiswal, Advocate for Applicant
- Mr. A. S. Shinde, APP for Respondent - State

...

CORAM : MEHROZ K. PATHAN, J.

DATED : 21.11.2025

PER COURT :

1. The learned counsel for the applicant submits that the condition imposed by this Court vide order dated 03.03.2025, directing the applicant to be released on executing a Personal Bond of Rs. 50,000/- with one surety in the like amount, has impeded the release of the applicant, as he is unable to secure a surety for the said amount. He submits that he has already addressed a letter to the High Court Legal Aid Services Committee seeking relaxation of the said condition, and accordingly, the matter has been placed before me through the appointed counsel, Mr. Rupesh Jaiswal.

2. It is further submitted that even the Hon'ble Supreme Court, in *SMWP (Criminal) No. 4/2021* dated 31.01.2023, has issued

guidelines regarding execution of bail orders. The Hon'ble Supreme Court has specifically observed that if bail bonds are not furnished within one month from the date of grant of bail, the concerned Court may suo motu consider whether the conditions of bail require modification or relaxation.

3. The learned counsel for the applicant submits that the applicant is ready to furnish a cash surety of Rs. 10,000/-, and therefore, the condition requiring a Personal Bond of Rs. 50,000/- with one surety for the like amount may be relaxed so as to enable the applicant to secure release.

4. As against this, the learned APP opposes the application on the ground that Section 437 of the Cr.P.C. prohibits release of an accused on cash surety in serious offences. She submits that the alleged offence pertains to Chapter XVI of the IPC, relating to offences affecting the human body. The allegation against the applicant being one of murder, she submits that the statutory bar applies, and therefore, the request for cash surety may not be entertained.

5. I have considered the judgment of the Hon'ble Supreme Court in *SMWP (Criminal) No. 4/2021* dated 31.01.2023 and also the condition imposed by this Court vide order dated 03.03.2025. A perusal of Section 437 Cr.P.C. shows that there is a statutory prohibition on releasing an accused on cash surety for offences falling

under Chapter XVI of the IPC. However, considering the judgment of the Hon'ble Supreme Court and the peculiar circumstances of the case, Condition No. (ii) imposed vide order dated 03.03.2025 in Bail Application No. 62 of 2025 is modified as under:-

‘(ii) Applicant *Juned Mustak Pathan* be released on bail in connection with Crime No. 0210 of 2023, registered with Vaijapur Police Station, District – Aurangabad, on executing Personal Bond of Rs. 10,000/- with one surety in the like amount, subject to the same remaining condition's as per order dated 03.03.2025.’

6. The application is hereby partly allowed and disposed of accordingly.

(MEHROZ K. PATHAN, J.)