IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 478 OF 2025

Ganesh Dattaram Phatak … Applicant

Versus

State of Maharashtra and Anr. … Respondents

Mr. Atharva S. Jagtap along with Mr. Sujit Jagtap, Ms. Ankita Phatak, Mr. Hemant Pisal, for the Applicant.

Mr. Samir Mangaonkar along with Mr. Mayur Sonavane, APP for the Respondent-State.

Mr. Shekhar Pawar, PSI, R. A. K. Marg Police Station, Mumbai.

CORAM : SANDESH D. PATIL, J.

DATE : 31st DECEMBER, 2025.

(VACATION COURT)

P.C.:

1. By the present Application, the Applicant is seeking setting aside the condition of giving Bank Guarantee of Rs.20,00,000/- (Rs. 20 lacs only) imposed upon the Applicant vide order dated 04/12/2025 passed by the learned J.M.F.C., Dadar in CC No.925/PW/2025 while allowing the bail application preferred by the Applicant.

2. Mr. Atharva S. Jagtap, learned Counsel appearing for the Applicant states that he has challenged only that part of the Order wherein Bank Guarantee of Rs.20,00,000/- is imposed. He states that as far as the remaining condition of furnishing the PR Bond of Rs.1,00,000/- with one solvent surety is concerned, he has not challenged the same.

3. Mr. Mayur S. Sonavane, learned A.P.P for the Respondent-State, states that the Order is just and proper and at the highest the amount of Bank Guarantee can be reduced.

4. The Order was passed by the learned J.M.F.C., Dadar, Mumbai on 04/12/2025. Inspite of bail being granted, the Applicant is unable to come out of jail only because of the onerous condition imposed upon him for furnishing Bank Guarantee of Rs.20,00,000/-. It is settled position of law that such a pre-condition of furnishing Bank Guarantee is not permissible.

5. It is required to take into consideration that, inspite of the Order dated 04/12/2025, the Applicant is languishing in jail only on account of not furnishing of the Bank Guarantee condition of Bank Guarantee of Rs.20,00,000/-. The offence is under Sections 406, 420 read with Section 34 of the Indian Penal Code (IPC). Taking into consideration the settled law on this issue, since the condition imposed of furnishing Bank Guarantee of Rs.20,00,000/-, in my opinion is unreasonable, the same is relaxed. The Application is therefore allowed in terms of prayer Clause 'a' which reads as under;

> *" a. This Hon'ble Court be pleased to quash and set aside the specific conditions of giving a bank guarantee of Rs.20,00,000/- vide order dated 04/12/2025 passed by the Ld. JMFC, Dadar in CC No.925/pw/2025 thereby allowing the Bail Application preferred by the Applicant and on such terms and conditions as this Hon'ble Court may deem fit and proper;"*

6. All other conditions of the Order dated 04/12/2025 shall however remain intact.

7. The Application is allowed and disposed of accordingly.

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

(SANDESH D. PATIL, J.)