

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4006 OF 2025

Avinash Bipin Rana

...Petitioner

Versus

State Of Maharashtra And Anr

...Respondents

SANTOSH
SUBHASH
KULKARNI

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Mr. N. K. Kocharekar, a/w Akhilesh Singh and Manish Dubey,
for the Petitioner.

Mr. P. P. Malshe, APP for the State.

CORAM: N. J. JAMADAR, J.

DATED: 16th OCTOBER, 2025

Oral Order:-

1. Heard the learned Counsel for the parties.
2. This petition is filed assailing a condition of deposit of an amount of Rs.6,70,000/- within eight weeks from the date of the release of the petitioner on bail.
3. The impugned order reveals that the petitioner had undertaken to deposit a sum of Rs.6,70,000/- before the trial Court, within eight weeks from his release.
4. Mr. Kocharekar, the learned Counsel for the petitioner, fairly submits that, such a statement was indeed made on behalf of the petitioner. However, in view of the development in law, such condition could not have been imposed by the learned

Magistrate. The petitioner has an apprehension that, the bail granted to the petitioner will be cancelled for non-compliance of the said condition.

5. The Court finds that the learned Magistrate has granted bail to the petitioner on merits of the matter and after recording reasons. In view of the judgment of the Supreme Court in the case of *Gajanan Dattatray Gore vs. State of Maharashtra and another*¹, under no circumstances the Courts can pass a conditional order of bail. Thus, the learned Magistrate will have to follow binding directions of the Supreme Court in the case of *Gajanan Gore* (supra), while considering the prayer to cancel the bail on the said count.

6. In the event, the learned Magistrate still passes an order of cancellation of bail, the same may not be given effect to for a period of two weeks, to facilitate the petitioner to work out his remedies.

7. Subject to aforesaid liberty, the petition stands disposed.

[N. J. JAMADAR, J.]

¹ 2025 SCC OnLine 1571.