

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1659 OF 2025

IN

BAIL APPLICATION NO. 982 OF 2025

Kalpesh Narendra Patel

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

- Mr. Navkar Jain a/w Harshal Sarla, Advocates for Applicant
- Ms. Mahalakshmi Ganapathy, APP for Respondent - State

.....

CORAM : MILIND N. JADHAV, J.

DATE : MAY 02, 2025

P. C.:

1. Heard Mr. Jain, learned Advocate for Applicant and Ms. Ganapathy, learned APP for Respondent - State.

2. Mr. Jain at the outset would persuade the Court to allow him to amend the Application in order to make an additional request for reduction of the bail amount from Rs. 50,000/- to Rs. 15,000/- in the facts and circumstances of the present case. Considering his submissions and grounds in the Interim Application, said request is allowed. Amendment is permitted to be carried out forthwith. Re-verification stands dispensed with. Interim Application is taken up for hearing forthwith.

3. I have heard the learned Advocates for the parties and perused the order dated 07.03.2025 passed by this Court.

4. Mr. Jain has drawn my attention to the order dated 07.03.2025 passed in Bail Application No. 982 of 2025 appended as Exh. 'A' (page Nos. 6-29) to the present Application. He would draw my attention to condition Nos. (i) and (ii) in the bail order which require the Applicant to furnish surety and PR. Bond in the sum of Rs. 50,000/- with one or more sureties in the like amount. He would submit that while granting bail to the Applicant, Court has considered long incarceration of Applicant for more than 13 years after which he was granted bail. He would submit that according to instructions received by him, Applicant comes from a very poor family background and none of his immediate relatives i.e. parents and siblings have adequate salary or income to afford payment of the bail amount but since the Court had granted cash bail, Applicant's wife had to borrow the amount to secure his release. He would submit that Applicant is now facing severe impediment for getting the desired sureties. Hence he would persuade the Court to consider the grounds stated in the Application that wife of the Applicant is the only person who has agreed to stand as surety for him but her efforts to do so has met a dead wall in view of she is lacking income proof and funds which she could not present within the stipulated period of 4 weeks granted by the Court leading to filing of the present Application.

5. Considering the facts in the present case and stigmatization attached to the person who is incarcerated for more than 13 years in prison and who has been granted bail, there is every possibility considering the background of Applicant that he will have difficulty in getting the sureties as required. In that view of the matter, I am inclined to accept the request made by Applicant for reduction of the bail amount and the amount for sureties apart from allowing the Applicant further time to get the sureties. Hence, present Application is allowed in terms of prayer clauses (a) and (b) which read thus:-

"(a) That the time to furnish surety may be extended for the period of eight weeks from today and that surety amount be reduced to Rs. 15,000/- only;

(b) That delay if any in filing of this present Application may kindly be condoned."

6. It is clarified that the amount of surety of Rs. 50,000/- in the order dated 07.03.2025 stands reduced to Rs. 15,000/- and Applicant is granted extension of time to furnish the same as above from today.

7. Application is allowed and disposed.

[MILIND N. JADHAV, J.]

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Digitally signed
by RAVINDRA
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