IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3176 OF 2026
IN
INTERIM APPLICATION NO. 900 OF 2024
IN
CRIMINAL APPEAL NO. 414 OF 2020

Prakash Laxmidatta Pandey @ Bunty Pandey @ Aryan Shah @ Vijay Subhash Sharma .. Petitioners

V/S.

The State Of Maharashtra And Ors .. Respondents

Ms. Akjshata B. Desai a/w S. Patel i.by Nitin Sejpal, for the applicant.

Ms. Sharmila S. Kaushik, APP, for the State.

Mr. Karan Mehta a/w Ms. Saloni, Ashwin Pande, Khushboo Shah and Ishika Kale, for respondent No. 2-Narayan Poojary.

VARSHA DEEPAK GAIKWAD Digitally signed by VARSHA DEEPAK GAIKWAD Date: 2026.10.07 14:33:22 +0530

CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.

DATE : 7th OCTOBER 2026.

ORDER: (PER SHREERAM V. SHIRSAT, J).

1. This is an application filed by the Applicant for modification of a condition No. 21(1) imposed by this Court while granting bail vide order dated 17.07.2026, to the extent that the applicant be permitted to furnish solvent sureties instead of solvent “local” sureties, as the Applicant is not in a position to furnish local sureties.

2. The operative portion of the said order dated 17.07.2026 reads

as follows:

"*21. Hence, the following order:*

. The application stands allowed.

1. The Applicant shall be released on bail pending the appeal in C.R. No. 16/2008 of D.C.B C.I.D, Crime Branch, Mumbai (C.R. No. 06/2008 registered with Marine Drive Police Station) in MCOCA Special Case No. 6 of 2011, on his furnishing a P.R. bond of Rs.1,00,000/- with two solvent local sureties in the like amount.

2. After his release from Jail and during the pendency of the present Appeal, the Applicant shall attend D.C.B C.I.D, Crime Branch, Mumbai, on every Monday of each month between 10.00 a.m. and 12.00 noon initially for a period of one year from the date of this order. After the end of one year, the Applicant shall attend D.C.B C.I.D, Crime Branch, Mumbai, only on the first Monday of every month between 10.00 a.m. and 12.00 noon.

3. In case of two consecutive defaults in complying with the aforesaid conditions, the prosecution is at liberty to file an application for cancellation of bail.

4. Applicant shall furnish his residential address to IO, as well as the address where he will be residing after his release. The same shall also be placed on record before this Court by way of an affidavit.

5. The Applicant shall furnish his mobile number to the concerned Investigating Officer (IO) or any other responsible officer of D.C.B C.I.D, Crime Branch, Mumbai and shall keep the said mobile phone operational and switched on at all times. The mobile number shall not be changed or switched off without prior intimation to the IO.

6. The Applicant shall remain present before this Court on each and every date of hearing of the appeal.

7. The Applicant shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts of the case, in any manner whatsoever.

8. The Applicant shall not leave the State of Maharashtra without

informing the IO of D.C.B C.I.D, Crime Branch, Mumbai.

9. The Applicant shall not leave the country without prior permission of the Court and shall deposit the passport, if any, with this Court.

10. The Applicant shall not commit any offence during the period of his release.

11. Violation of any of the conditions mentioned above will be grounds to cancel the bail".

3. The learned counsel for the Applicant submitted that as per the condition no. 21(1) referred hereinabove, the Applicant is required to furnish two solvent local sureties. The learned counsel for the Applicant submitted that all efforts made by the family members, relatives and friends of the Applicant have not yielded any fruitful results and despite their best efforts they could not arrange two solvent local sureties. The learned counsel further submitted that the Applicant hails from Dehradun, Uttarakhand and all his near and dear relatives and friends are residing in Dehradun and therefore it is difficult for him to find a local surety.

4. The learned counsel further submitted that more than one and half months have elapsed since the Applicant has been granted bail, however, it is only for this reason that the Applicant is not in a position to avail the liberty granted by this Court. The Applicant therefore prays that instead of two solvent local sureties, the condition be modified to furnish two solvent sureties.

5. The learned counsel for the Applicant relied upon the order passed by the Hon'ble Supreme Court in the case of ***Girish Gandhi***

versus State of Uttar Pradesh and Ors. and the order passed by this court in similar facts, in the case of ***Syed Akif Syed Zaffruddin versus State of Maharashtra***.

6. The Hon'ble Supreme Court in the case of ***Girish Gandhi versus State of Uttar Pradesh and Ors.*** *(supra),* has been pleased to observe as follows:

> *"23. From time immemorial, the principle has been that the excessive bail is no bail. To grant bail and thereafter to impose excessive and onerous conditions, is to take away with the left hand, what is given with the right. As to what is excessive will depend on the facts and circumstances of each case. In the present case, the petitioner is experiencing a genuine difficulty in finding multiple sureties. Sureties are essential to ensure the presence of the accused, released on bail. At the same time, where the court is faced with the situation where the accused enlarged on bail is unable to find sureties, as ordered, in multiple cases, there is also a need to balance the requirement of furnishing the sureties with his or her fundamental rights under Article 21 of the Constitution of India. An order which would protect the person's fundamental right under Article 21 and at the same time guarantee the presence, would be reasonable and proportionate. As to what such an order should be, will again depend on the facts and circumstances of each case.*
>
> *.....*
>
> *26. We may also usefully note the order of this Court In Re Policy Strategy for Grant of Bail in SMWP (Criminal) No.*

4/2021 reported in 2023 SCC OnLine SC 483. By the order dated 31.01.2023, this Court endorsing certain directions sought by the Amicus Curiae passed an order for compliance with those directions. The two relevant directions are extracted hereunder:-

> *6) If the bail bonds are not furnished within one month from the date of grant bail, the concerned Court may suo moto take up the case and consider whether the conditions of bail require modification/relaxation.*
>
> *7) One of the reasons which delays the release of the accused/convict is the insistence upon local surety. It is suggested that in such cases, the courts may not impose the condition of local surety.*

27. In the bail order in FIR No. 190/2020 registered at P.S. Savina, Udaipur, Rajasthan, there is an order for providing a local surety. The petitioner herein hails from Haryana and to secure a local surety will be an arduous task for him. This condition has virtually rendered ineffective the order for bail. We need to do nothing more than to recall the memorable words of Justice Krishna Iyer in ***Moti Ram and Ors. vs. State of Madhya Pradesh (1978) 4 SCC 47 :-***

"33. To add insult to injury, the magistrate has demanded sureties from his own district! (we assume the allegation in the petition). What is a Malayalee, Kannadiga, Tamil or Telugu to do if arrested for alleged misappropriation or theft or criminal trespass in Bastar, Port Blair Pahalgam or Chandni Chowk? He cannot have sureties owning properties in these distant places.

> *He may not know any one there and might have come in a batch or to seek a job or in a morcha. Judicial disruption of Indian unity is surest achieved by such provincial allergies. What law prescribes sureties from outside or non-regional language applications? What law prescribes the geographical discrimination implicit in asking for sureties from the court district? This tendency takes many forms, sometimes, geographic, sometimes linguistic, sometimes legalistic. Article 14 protects all Indians qua Indians, within the territory of India. Article 350 sanctions representation to any authority, including a court, for redress of grievances in any language used in the Union of India. Equality before the law implies that even a vakalat or affirmation made in any State language according to the law in that State must be accepted everywhere in the territory of India save where a valid legislation to the contrary exists. Otherwise, an adivasi will be unfree in Free India, and likewise many other minorities. This divagation has become necessary to still the judicial beginnings, and to inhibit the process of making Indians aliens in their own homeland. Swaraj is made of united stuff."*

In view of the above, we propose to relieve the petitioner from the direction to produce a local surety."

7. *Per contra*, the learned APP vehemently opposed the application, by submitting that the Applicant is charged with serious offenses and therefore this Court had rightly imposed the condition of solvent local sureties to ensure that the Applicant remains traceable. The learned APP therefore urged that the application be rejected.

8. We have considered the rival submissions.

9. The Applicant is a resident of Dehradun, Uttarakhand, and therefore it appears that he is not in a position to find any local surety. It is also to be noted that despite passing the order granting bail, the Applicant is not in a position to avail the order of grant of bail only for the reason that he is not in a position to furnish local surety. Considering the observations made by the Hon'ble Apex Court in the case of ***Girish Gandhi versus State of Uttar Pradesh and Ors.*** *(supra)* and the order passed by this Court, in the case of ***Syed Akif Syed Zaffruddin versus State of Maharashtra*** *(supra)* we are inclined to allow the application.

10. In view of the above, the application is allowed, and condition No. 21(1) is modified, and it shall be read as follows:

> *"1. The Applicant shall be released on bail pending the appeal in C.R. No. 16/2008 of D.C.B C.I.D, Crime Branch, Mumbai (C.R. No. 06/2008 registered with Marine Drive Police Station) in MCOCA Special Case No. 6 of 2011, on his furnishing a P.R. bond of Rs. 1,00,000/- with two solvent sureties in the like amount".*

All other conditions imposed in the said order shall continue to operate.

11. Application is disposed of.

(SHREERAM V. SHIRSAT, J.) (MANISH PITALE, J.)