

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 166 OF 2026

Elijah Oscar Nevis ...Applicant
Versus
The State of Maharashtra ...Respondent

Mr. Kunal Shinde for the Applicant

Ms. S.D. Shinde, APP for the Respondent-State.

CORAM: R. M. JOSHI, J.

DATED: 06th May, 2026

PC:-

1. Issue notice to the Respondent.
2. Learned APP waives service on behalf of Respondent-state.
3. Heard, by consent of both sides.
4. Applicant seeks cancellation of condition of depositing an amount of Rs. 5,00,000/- towards cash security as a condition precedent for the release of the applicant on bail by order dated 12.01.2026 passed by designated Court under the MPID Act.

5. Learned counsel for the applicant submits that bail has been granted on merits and applicant is directed to furnish P.R. Bond of Rs. 1,00,000/- with one or more sureties in the like amount. He was permitted to provide provisional cash of Rs. 1,00,000/- instead of solvent surety for his immediate release. It is his submission that there is absolutely no justification for imposing additional condition of deposit of Rs. 5,00,000/- by way of cash security. He claims that there is no reason recorded by the designated court for imposing such condition.

6. Learned APP supported the said condition on the ground that having regard to the nature of offence, the imposition of condition is justified.

7. There is no dispute about the fact that applicant has been granted bail on merits. The said bail is granted with direction to the applicant to furnish P.R. Bond of Rs. 1,00,000/- with one or more surety in the like amount. The Applicant thereafter, was permitted to furnish provisional cash of Rs. 1,00,000/- instead of solvent sureties for his immediate

release. In such circumstance, if the trial Court thought it appropriate to impose any additional condition, the same ought to have been justified. There is absolutely no reason recorded in the entire order for justification of such additional condition for deposit of Rs. 5,00,000/-. Even if it is accepted, the offence is under M.P.I.D. Act, no purpose would be served by calling upon the applicant to deposit of Rs.5,00,000/-. On want of justification such condition cannot be sustained. Hence, application stands allowed. The condition of depositing sum of Rs. 5,00,000/- towards cash security stands cancelled.

8. Rest of the order shall remain unchanged.

R. M. JOSHI, J.