

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1601 OF 2026

Yogesh Hari Salonkhe

..Petitioner

Versus

State of Maharashtra

...Respondent

Mr. Anand S Patil, for the Petitioner.

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

PSI – S P Choudhari, MFC P.S.

CORAM: N. J. JAMADAR, J.

DATE : 9th APRIL 2026

P.C.:

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order dated 22nd January, 2026, passed by the learned Magistrate, First Class, Kalyan in Regular Criminal Case No. 804/2025 whereby while releasing the petitioner on bail, the learned Magistrate has directed the petitioner/accused to deposit a sum of Rs. 10,00,000/- (Rupees Ten Lakhs) in the Court by way of security.
3. The petitioner is facing prosecution for an offence punishable under Section 318(4) r/w Section 3(5) of the Bhartiya Nyaya Sanhita, 2023. The gravamen of indictment against the petitioner is that, the petitioner had induced the first informant and witnesses to part with the amount by

making a representation that the petitioner would secure employment for the informant and witnesses in the Indian Railways. The petitioner had allegedly defrauded the first informant and witnesses to the tune of Rs. 18,00,000/- (Rupees Eighteen Lakhs). Thus, after ascribing reasons for the release of the petitioner on bail, the learned Magistrate directed the petitioner to deposit an amount of Rs. 10,00,000/- (Rupees Ten Lakhs) by way of security, as a condition of bail.

4. It is well recognized that, the bail order cannot be made conditional upon either deposit or the payment of the amount, to the victim, by the accused. A useful reference, in this context, can be made to the judgments of the Supreme Court in the cases of *Ramesh Kumar Vs. The State of NCT of Delhi*¹, and *Gajanan Dattatray Gore Vs. State of Maharashtra & anr.*²,

5. In the case of *Gajanan Gore (supra)*, the Supreme Court has directed that, the High Courts and the trial Courts shall decide the plea for regular bail or anticipatory bail strictly on the merits of the case. The High Courts and trial Courts shall not exercise their discretion in this regard on any undertaking or any statement that the accused may be ready and willing to make. It was further directed that, in any circumstances, the

1 (2023) 7 SCC 461

2 2025 SCC OnLine SC 1571

High Courts or trial Courts shall not pass a conditional order of regular bail or anticipatory bail.

6. The aforesaid being the position in law, the condition imposed by the learned Magistrate, cannot be sustained.

7. Thus, the Writ Petition stands allowed.

8. Clause 1(b) of the impugned order stands quashed and set aside.

[N. J. JAMADAR, J.]