

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 238 OF 2026

Jitendra Mahadev Yadav

...Applicant

Versus

State Of Maharashtra

...Respondent

Mr. Tapan Thatte a/w Akshay Dingale for the Appellant/Applicant.

Mr. Mayur Sonavane for the State.

Ms. Prachi Bhagat WPSI, Mulund Police Station Mumbai.

CORAM: R. M. JOSHI, J.

DATED: 13th March, 2026

PC:-

1. Heard. By consent of both sides, this application is filed for relaxation of the condition imposed by the Trial Court by order dated 20th January, 2026 passed in M.P.I.D. Appeal No. 848 of 2025 whereby while granting default bail, the Trial Court has imposed condition of depositing sum of Rs. 5,00,000/- towards cash security and prevented the appellant/applicant from leaving the jurisdiction by the Court without prior permission of the Court.

2. At the outset, Learned counsel for the appellant/applicant on instructions submits at this stage the he wishes to take exception only to the direction to the appellant/applicant to deposit sum of Rs. 5,00,000/- by way

of cash security and not to press challenge to the condition of not leaving jurisdiction of the Court without permission of the Court, At with liberty to revive said prayer after the period of six months from today.

3. In so far as the condition imposed by the Trial Court for depositing Rs. 5,00,000/- is concerned, it is his submission that once there is right of the appellant/applicant to get default bail, it would be within the jurisdiction of the Court to impose any unreasonable condition of depositing any amount by way of cash security when the bail has been granted directing furnishing of sureties. To support this submission, he placed reliance of the judgment of Hon'ble Supreme Court in the case of ***Saravanan Vs. State represent by the Inspector of Police.***

4. At the outset it is recorded that in so far as the relaxation of condition number '6' i.e. in the operative part of the impugned order dated 20th January, 2026 is concerned, leave is granted to the applicant to move appropriate application after six months from today.

5. Insofar as the condition of deposit of Rs. 5,00,000/- by way of cash security is concerned, once default bail has been granted by the Trial Court, there cannot be any additional

and unreasonable conditions to be imposed except to ensure that appellant/applicant would be available during trial. Imposition of any such other condition without justification would amount to deny right of default bail available to the applicant.

6. Perusal of the impugned judgment and more particularly clause no.2 of the operative of indicate that applicant is directed to furnishing PR Bond sum of Rs. 1,00,000/- with solvent sureties in the like amount and hence trial court has taken care to secure his presence during trial. Considering relevant provisions of section 167 of Cr.P.C., other conditions would not be justified. By following judgment of the Hon'ble Supreme Court in the case of *Saravanan (supra)*, it is held that the condition of deposit of an additional amount of Rs. 5,00,000/- towards cash security cannot sustain. Hence deserves to be set aside.

7. Hence, the following order.

- i) Application stands partly allowed.
- ii) Condition of deposit of Rs. 5,00,000/- by way of cash security stands set aside.

(R. M. JOSHI, J.)