



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPLN) NO. 02/2026

Shri Pankaj s/o. Suresh Shahare

Vs.

The State of Maharashtra

.....
Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders

Court's or Judge's order

.....
Mr. Kaustubh Deogade, Advocate for Appellant.
Mr. U. R. Phasate, A.P.P for Respondent/State.

CORAM : NEERAJ P. DHOTE, J.

DATED : 20.01.2026

1. Heard the learned Advocate for the applicant and the learned A.P.P for the State.

2. By the present application under Section 483(1) (b) of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant is praying for modification of condition imposed by the learned Additional Sessions Judge, Nagpur in Criminal Bail Application No.3971/2025 vide order dated 09.01.2026.

3. It is submitted by the learned Advocate for the applicant that, the condition imposed on the applicant is furnishing of bank security/guarantee of Rs.17,00,000/-. Due to said condition, the applicant is unable to take the benefit of the bail though granted in his favour. He submits that, it is a settled position under the law, in view of the Judgment of the Hon'ble Supreme Court in *Dilip Singh Vs. State of Madhya Pradesh and Anr.* in ***Criminal Appeal No.53/2021*** dated 19.01.2021, in *Sumit Mehta Vs. State of N.C.T. of Delhi* in ***Criminal Appeal No.1436/2013*** dated 13.09.2013 and in *Gajanan Dattatray Gore Vs. State of*

Maharashtra and Anr. [2025 SCC OnLine SC 1571]. He submits that the said condition may be relaxed and the application be allowed.

4. The application is opposed by the learned A.P.P. He submits that, the applicant should first approach the concerned District and Sessions Judge for modification of the bail condition and thereafter, he can approach this Court. He submits that, considering the nature of the matter, the learned Additional Sessions Judge has appropriately imposed the said condition. Hence, the application be dismissed.

5. The operative order of the said bail order passed by the learned Additional Sessions Judge reads as under :

“1. The Criminal Bail application no. 3971/2025 is hereby allowed.

2. The applicant Pankaj Suresh Shahare be released on bail upon furnishing a personal bond of Rs. 50,000/- with one solvent surety of the like amount, to the satisfaction of learned Judicial Magistrate First Class, subject to the following conditions:

(i) He shall furnish bank security of Rs.1700000/- (Rs. Seventeen lakhs only).

(ii) He shall not tamper with evidence or influence witnesses.

(iii) He shall not repeat the commission of any crime.

(iv) He shall attend the trial court on all dates and cooperate in expeditious disposal.

(v) He shall not leave India without prior permission of the court. He shall deposit his passport in court if any.

(vi) He shall provide his current address and mobile number and inform of any change.

(vii) The breach of conditions shall entail cancellation of bail.

3. The breach of any of the above conditions shall entail cancellation of bail without reference to this Court.”

6. This application is filed before this Court under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 which are the special powers of the High Court or the Court of Sessions regarding bail. Perusal of the said Judgment cited by the learned Advocate for the applicant show that it is a settled position under the law that such conditions i.e. furnishing the bank guarantee etc. are not to be imposed as the same is not a reasonable condition. Considering the ratio in the aforesaid Judgments cited by the learned Advocate for the applicant, the said condition of furnishing bank guarantee for Rs.17,00,000/- needs to be modified. Though the learned Additional Sessions Judge in the bail order made the observations that, the prolonged pre trial detention violates Article 21 of the Constitution specially when the allegations, though serious, lacks direct evidence of the accused central role, as seen here with the applicant's limited authority as the Sales Manager, imposed the onerous condition. Hence, the following order :

ORDER

- i] The application is allowed.
- ii] The condition No.2(i) in respect of furnishing bank security/guarantee of Rs.17,00,000/- is relaxed.
- iii] It is made clear that all the other conditions remain intact.

(NEERAJ P DHOTE, J.)