
(2013) 01 BOM CK 0265

In the Bombay High Court

Case No : Criminal Application (APL) No. 11 of 2013

Magrab Shaikh and Others

APPELLANT

Vs

State of Maharashtra

RESPONDENT

Date of Decision : 14-01-2013

Acts Referred:

Penal Code, 1860 (IPC) — Section 120B, 489A, 489B, 489C

Citation : (2013) ALLMR(Cri) 1376

Hon'ble Judges : M.L. Tahaliyani, J

Bench : Single Bench

Advocate : R.J. Mirza, for the Appellant; S.M. Bhagde, Addl. P.P., for the Respondent

Judgement

M.L. Tahaliyani, J.—Admitted. Heard finally by consent. Heard learned counsel Mr. R.J. Mirza, learned counsel for the applicant and Mr. S.M. Bhagde, learned Addl. P.P. for non-applicant. The applicants are accused in Crime No. 09/2012 of Nandura Police Station. They are accused of the offences punishable under sections 489-A, 489-B and 489-C of the Indian Penal Code. They are also accused of the offence punishable u/s 120-B of the I.P.C. The investigation has been completed. The charge-sheet has been filed which is pending in the Court vide Charge Sheet No. 71/2012. The applicants feel aggrieved by the order dated 15.12.2012. The applicants have been granted bail in the sum of Rs. 1 lakh each and have been directed to execute PR bond of Rs. 1 lakh and surety bond of Rs. 1 lakh each. In addition to this, the applicants are also directed to deposit cash security of Rs. 1 lakh each. It appears that the learned trial Court wanted solvent surety as well as cash security only because the applicants are the natives of West Bengal. In my considered opinion, that cannot be a ground for passing such an onerous order. This order, in other words, may amount to refusal of bail. In the circumstances, the order needs to be modified. Hence, the order dated 15th December 2012 is modified as under:-

The applicants be released on bail in the sum of Rs. 1,00,000/- (Rupees one

lakh) each with one solvent surety in the like amount.

The Application stands disposed of accordingly.