

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
APPELLATE CRIMINAL JURISDICTION
CRIMINAL APPLICATION NO.660 OF 2012
IN
CRIMINAL BAIL APPLICATION NO.1441 OF 2012

Nazar Mohammad Siddique ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. Sayed Ejaz Abbas Nagvi for the Applicant.
Ms A. A. Mane, APP for the Respondent State.

CORAM : R. G. KETKAR, J.
DATE : 24TH DECEMBER, 2012

P.C. :

Not on Board. Mentioned due to urgency and hence by consent of the parties, the application is taken up for hearing.

2. Heard Mr. Nagvi, learned Counsel for the applicant and Ms Mane, learned APP for the respondent at length. Rule. Ms Mane waives service for the respondent. By consent of the parties, rule is made returnable forthwith and the Application is taken up for final hearing.

3. Mr. Nagvi has invited my attention to the order dated 23.11.2012 passed by this Court (Coram: Abhay M. Thipsay). By that order, time to furnish surety was extended by three weeks from the date of the order. He submitted that the period of three weeks expired on 14.12.2012. Mr. Nagvi has made the following statements:

- (i) The applicant will furnish surety within two weeks from today that is to say on or before 07.01.2013;
- (ii) The applicant will not seek further extension of time for furnishing surety. Statements made by Mr. Nagvi are accepted.

4. Ms Mane submitted that as per the order dated 23.11.2012, the time to furnish surety was extended till 14.12.2012. The applicant should have obtained appropriate order before expiry of that period from the regular Court. In any case, she submitted that if the applicant does not furnish security by 07.01.2013, the order enlarging the applicant on cash bail may be treated as cancelled.

5. I have considered the rival submissions made by the learned Counsel appearing for the parties. I have also perused the material on record. By order dated 23.11.2012, time to furnish surety was extended by three weeks that is upto 14.12.2012. It is no doubt true that before the expiry of that period, he neither furnished surety nor moved the Court for extension of time. As and by way of indulgence, time to furnish surety is extended by two weeks from today that is to say the applicant shall furnish surety on or before 07.01.2013. If the time as prayed for is not extended, it will result in cancellation of the order enlarging the applicant on cash bail. Hence, time to furnish surety is extended upto 07.01.2013.

6. Rule is made absolute accordingly.

(R. G. KETKAR, J.)