

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION.**

CRIMINAL APPLICATION NO. 741 OF 2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms.Racheeta Dhuru a/w Dilip Shukla for the Applicant.

Mrs. N. S. Jain, A.P.P. for the Respondent/State.

**CORAM : K. K. TATED, J.
(VACATION COURT)**

DATED : 30/12/2016

PC.:

1. Heard learned Counsel for the parties.

2. By this application, the applicant is challenging the order dated 22.12.2016 passed by learned Sessions Judge, Mumbai rejecting Misc. Application No. 2684 of 2012 by which the applicant's request to modify the bail order dated 01.07.2016.

3. In the present proceeding, the learned Sessions Judge, Mumbai granted bail to the applicant by order dated 01.07.2016 on some terms and conditions. One of the condition was to provide the solvent surety of Rs.50,000/-. Thereafter, at the request of the applicant, four weeks time was granted to furnish the solvent surety by order dated

06.08.2016. Again the applicant filed Misc. Application No. 215 of 2016 for modification of the order dated 01.07.2016 and also for extension of time.

4 The learned Counsel for the Applicant submits that instead of Rs.50,000/- solvent surety, the applicant may be permitted to provide the surety of Rs.15,000/-. She further submits that in the interest of justice, this Hon'ble Court be pleased to extend the time by six weeks to provide solvent surety as per order dated 01.07.2016.

5 On the other hand, the learned APP appearing on behalf of Respondent vehemently opposed for modification of order dated 01.07.2016 in Bail Application No. 1265 of 2016 and also for extension of time for complying the same. She submits that twice the time was granted to the applicant to provide the solvent surety and inspite of that she failed to provide the same.

6 I heard both the sides at length. Considering the order dated 01.07.2016, order dated 08.11.2016 in Misc. Application No. 2156 of 2016 and averments made in application as a last chance, four weeks time is granted to provide the solvent surety as per order dated 01.07.2016. Non Bailable Warrant dated 06.12.2016 issued by the Trial Court is required to be stayed till providing solvent surety.

If solvent surety is provided within stipulated time as stated herein above, the said Non Bailable Warrant shall stands cancelled.

7 Hence, following order.

a) Application is allowed in terms of prayer clauses (b), which reads thus:

“b) That this Hon'ble Court may be pleased to grant time of 4 weeks of such time as this Hon'ble Court may deem fit and proper to the Applicant to furnish surety before the trial court as per order dated 01.07.2016 passed by the Hon'ble Sessions Court in Bail Application No. 1265 of 2016.”

b) Non Bailable Warrant issued by learned Magistrate, 27th M.M. Court, Mulund in C.R. No. 427 of 2015 is stayed till applicant provides solvent surety within four weeks from today.

c) If solvent surety is provided within stipulated time as stated hereinabove, the Non Bailable Warrant dated 06.12.2016 issued by the trial court shall stands cancelled.

d) Application stands disposed of accordingly.

(K.K.TATED, J.)