

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1983 OF 2019

Salman Mohammad Salim Khan .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr. Kuldeep S. Patil a/w Mr. Hitesh Dabhi, Advocate, for the Applicant
Mr. V. V. Gangurde, APP, for the Respondents – State

CORAM : REVATI MOHITE DERE, J.

DATE : 31.07.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 450 of 2018 registered with the Byculla RPF Police Station, Mumbai, for the alleged offence punishable under Section 143 of the Railways Act.

3. Perused the papers. It appears that the learned Additional Sessions Judge, Mumbai vide order dated 04.06.2018 had enlarged the Applicant on bail, pursuant to the undertaking given by the Applicant that he will deposit Rs. 20,00,000/-, within 45 days from the date of the

order. Instead of depositing the said amount, as per the undertaking, the Applicant filed an Application seeking relaxation of the condition of the order of deposit of Rs. 20,00,000/-. The learned Sessions Judge vide order dated 20.07.2018 rejected the said Application seeking relaxation of the condition of deposit and cancelled the bail of the Applicant granted vide order dated 04.06.2018 and directed the Applicant to be taken in custody. The said order cancelling the Applicant's bail was challenged by the Applicant in this Court. This Court (Coram : Prakash D. Naik, J.) vide order dated 27.09.2018 dismissed the Applicant's Petition, as the Applicant had breached the undertaking. Today, learned counsel for the Applicant has brought a Demand Draft of Rs. 20,00,000/- drawn in the name of the Registrar, High Court (Appellate Side), Mumbai. He states that the said Demand Draft would be deposited by 05.08.2019. The Applicant is depositing the said amount of Rs. 20,00,000/- without prejudice to his rights & contentions and the learned trial Court shall pass appropriate orders with respect to the said amount, at the end of the trial. Learned counsel for the Applicant states that the Applicant will not file any Application seeking withdrawal of the said amount. Statement accepted.

4. In view of the aforesaid, the Application is allowed and the

Applicant is enlarged on bail on the following terms & conditions :-

O R D E R

- (i) The Applicant be enlarged **on cash bail** in the sum of Rs. 30,000/-, **for a period of six weeks**;
 - (ii) The Applicant shall within the said period of six weeks, furnish P. R. Bond in the sum of **Rs. 30,000/- with one or two sureties** in the like amount;
 - (iii) The Applicant to deposit the Demand Draft of Rs. 20,00,000/- in the Registry of this Court on or before 05.08.2019;
 - (iv) The Applicant shall not leave Mumbai / Thane without the prior permission of the trial Court;
 - (v) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
 - (vi) The Applicant to co-operate with the conduct of the trial and attend all the dates before the trial Court, unless exempted.
5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)