

Special MPID Case No. 211/2022
Hinjewadi PS - CR NO. 821/2021

State of Maharashtra
Vs.
Sumegh Sunil Joshi
(CNR NO.MHPU01-004682-2022)

ORDER BELOW EXH.31

- 1] This is an application filed by accused-applicant Sumegh Sunil Joshi under section 439(1)(b) of Cr. P. C. for relaxation of conditions.
- 2] The present applicant was previously enlarged on bail by this court on 12.12.2023 vide its order directing that applicant accused Sumegh Sunil Joshi shall be released on bail on execution of PB and SB in the sum of Rs.25,000/- with or more sureties of the like amount and he is further directed to deposit Rs.13.00 lakhs immediately on or before his release and remaining amount to be paid in equal monthly installment of Rs.2.00 lakhs within six months from the date of his release." It is contended that the applicant was doing business and since 02.02.2022 he is lying in jail, having no source of income, he is unable to deposit Rs.13.00 lakhs. It is further contended that applicant is ready to deposit said amount after his release from jail in equal monthly installments.
- 3] In support of his contention he has relied on the the judgment and order passed by the **Hon'ble Supreme Court of India and SMWP (Cri.) No. 4/2021 from 2023 Live Law (SC) 76** and prayed to relax or modify the condition No.2 imposed by the court vide order below Exh-7 dated 12.12.2023.

4] On the other hand the prosecution strongly opposed the application by filing its say. It is the contention of learned APP that the court released the accused on bail but accused has not deposited the amount of Rs.13.00 lakhs as ordered to deposit immediately. On the contrary he has not paid a single rupee till today. Further contended that if the said condition is relaxed, the accused will avoid to remain present during trial and also to deposit remaining amount. He has disobeyed the same and has not deposited the amount of Rs.13.00 lakhs prior to his release and not complied the order of this court. Therefore, considering the nature of offence and conduct of applicant accused prayed to reject the application.

4] Heard both sides, perused the application and the documents on record. As per the order below Exh.7 dated 12.12.2023 the applicant accused was granted conditional bail by furnishing PR bond of Rs.25,000/- with one or more sureties in like amount. Applicant was directed to deposit Rs.26.00 lakhs and out of that he has to deposit Rs.13,00,000/- before furnishing bail and release order. The remaining amount was to be deposited within 6 months in equal monthly installments of Rs.2.00 lakhs each. The perusal of order below Exh.7, dated 12.12.2023 clearly shows that the applicant accused was ready and willing to deposit Rs.13.00 lakhs and accordingly the conditional order was passed. However, the applicant now states that he is not having financial capacity to deposit the said amount and seeks discretion of court to relax the said condition. Further it is pertinent to note here that the applicant accused not only disobeyed or breached the conditions but also he failed to comply the order of this Court since more than one year. It also appears that the applicant accused has also not deposited any amount till date, so due to such conduct of applicant-accused there does not appear any possibility that he will deposit the amount as per condition No.2 after his release on bail. Apart from this the possibility of his abscondance and hampering of trial cannot be ruled out. Thus, looking to the nature of offence and the conduct of applicant accused,

I do not find the grounds justifiable to exercise discretion by relaxing the condition No.2 imposed upon applicant-accused vide order below Exh.7 dated 12.12.2023. Hence, I pass the following order :-

ORDER

Application Exh.31 is hereby rejected.

Date: 02.05.2025

(A.S. Waghmare)
Additional Sessions Judge, Pune.

CERTIFICATE

“ I affirm that the contents of this PDF file are word to word as per the original order.”

Name of the Steno : Smt. S.M. Khisti (Grade I)
Name of the Court : Shri. A.S.Waghmare,
District Judge 1 & Additional Sessions Judge, Pune
Date of Order : 02.05.2025
Order signed by PO on : 05.05.2025
Order uploaded on : 05.05.2025

