

Session Case No.61/2023

CNR No.MHWR010014252023

State Vs. Mukinda**Order below Exh.51**

(1) Accused No. 1 namely Mukinda Bapurao Gaidhane as per bail order dated 20/02/2024 in Bail Application No. 64/2024 is directed to be release on bail on execution of P.R. Bond for Rs. 50,000/- with surety in like amount. Today accused no. 1 also produced by Jail authority. He is physically disable to stand up and walk, and he came in to the Court hall vide crawling. The applicant unable to secure the surety. Therefore present application is filed by chief defense counsel on behalf of the applicant to modify the order requiring the accused to submit surety bond and instead to release him on P.R.Bond.

(2) The application is opposed by learned public prosecutor Shri. Takwale.

(3) The Hon'ble Apex Court in Suo Moto Writ Petition (Cri.) No.4/2021 in **Re: Policy Strategy For Grant of Bail** vide order dated 31.1.2023 has issued general directions to Subordinate Courts about release of the accused persons on bail who are unable to furnish sureties. As per direction No.6 if the bail bonds are not furnished within one month from the grant of bail, the concerned Court may suo moto take up the case and consider whether the conditions of bail requires modification or relaxation. As such, the Court is required to release the accused on P.R.Bond in suitable cases when the accused is unable to furnish surety.

(4) The accused is poor person unable to furnish surety. The accused no. 1 is even unable to stand up and walk due to the fact that he has suffered from Polio during his childhood. The Hon'ble Apex Court in **Jolly George Verghese Vs The Bank of Cochin** AIR 1980 SC 470 has observed as “ To be poor, in this land of daridra Narayana, is no crime”. Thus present accused who is physically disable is a Daridra Narayan and unable to secure surety. The nephew and wife of present accused being accused nos 2 and 6 are also present before this Court and told that they are unable to make arrangement of a surety for the accused no.1. Therefore in my view considering peculiar facts of present case it would be just and proper to modify the earlier order and to grant time for the accused no.1 to arrange for surety after his release. If the applicant comes out of the Jail on PR.Bond, he may make some arrangement for the surety. Therefore, I pass following order.

Order

Condition of bail order dated 20.02.2024 passed in Bail Application No. 64/2024 to furnish surety of Rs.50,000/- is relaxed for period one month, and same is modified as follows :-

- (i) Accused No.1 Mukinda Bapurao Gaidhane be released on PR. bond of Rs.50,000/-.
- (ii) The condition to furnish surety of Rs.50,000/- is relaxed for period one month. After one month from today, accused no.1 shall furnish surety of Rs. 50,000/-. In case the accused no. 1 is unable to furnish surety within one

month, the time may be extended further.

Date : 01.03.2024

(N. B. Shinde)
Addl. Sessions Judge,
Wardha.

CERTIFICATE

I affirm that the contents of this P.D.F file are same word to word, as per the assigned order.

*(A.N. Nakate)
Stenographer (Grade-1)*