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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.5026 OF 2015

Satish Vithalrao Pawar

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr Satyajit S. Bora, Advocate for applicant;
Mr S.M. Ganachari, A.P.P. for respondent;
Mr R.N. Chavan, Advocate holding for Mr Vijay Sharma, Advocate to assist
Addl. Public Prosecutor

CORAM : N.W. SAMBRE, J.

DATE : 15th October, 2015

ORAL ORDER :

By the present application, the applicant seeks grant of pre-arrest bail, in connection with C.R. No.95 of 2015, registered with Zilla Peth Police Station District Jalgaon, for offences punishable under sections 420 and 409 of the Indian Penal Code.

2. The allegations against the present applicant, in the first information report are that he has not honoured the commitment to the complainant Zilla Parishad, in the matter of payment of rent amount for utilization of the open space of the Zilla Parishad.

3. During the course of the arguments, the applicant herein, on affidavit, has tendered an undertaking that he shall deposit an amount of Rs.5,82,545/-, within a period of ten weeks. However, Mr Bora, learned Counsel appearing on behalf of the applicant, while responding to the Court's query, would urge that, of the outstanding amount of Rs.5,82,545/- fifty percent amount will be deposited in this Court, within a period of four weeks from today and the balance amount within four weeks thereafter.

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4. The aforesaid statement is made upon instructions from the applicant and is accepted as an undertaking, in continuation to the undertaking dated 14th October, 2015.

5. In view thereof and having regard to the accusation in the present case, in my opinion, custodial interrogation of the applicant will hardly be of any consequence. I, therefore, pass following order :-

In the event of arrest of the applicant, in connection with C.R. No.95 of 2015, registered with Zilla Peth Police Station District Jalgaon, for offences punishable under sections 420 and 409 of the Indian Penal Code, he be released on bail, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

If the amount is deposited in this Court as undertaken herein above by the applicant, the complainant Zilla Parishad will be at liberty to withdraw the said amount.

Failure on the part of the applicant to deposit the amount shall result in cancellation of the bail of the applicant as ordered herein above, in view of the fact that same would amount to violating the undertaking given before this Court, without further reference to the Court.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj