

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5129 OF 2015
IN
CRIMINAL APPLICATION NO. 797 OF 2015

Arpit s/o Banwarilal Garg,
 Age : 30 years, Occu. Nil,
 R/o Mangalmurthi Navalkha-nagar,
 Indore (M.P.)

APPLICANT

VERSUS

1. The State of Maharashtra,
 through the Principal Secretary,
 Home Department, Mantralaya,
 Mumbai -32

AND

Police Station Officer,
 Dhule Taluka Police Station,
 Dhule, District Dhule

RESPONDENTS

Mr. R.R. Mantri, Advocate for the applicant
 Smt.R.K. Ladda, A.P.P. for the respondent-State
 Mr. S.S. Patil, Advocate to assist the A.P.P.

CORAM : M.T. JOSHI, J.

RESERVED ON : 26th OCTOBER, 2015
PRONOUNCED ON : 28th OCTOBER, 2015

ORDER :

1. Heard both sides.
2. The present applicant was directed to be

released on bail by this Court vide order dated 23rd February, 2015 passed in Criminal Application No. 797 of 2015, upon applicant's executing P.R. bond in the sum of Rs. 30,000/- and upon furnishing surety in the like amount. By the very same order, it was directed that after the applicant's release on bail, he shall deposit an amount of Rs. One crore in the court of learned Chief Judicial Magistrate, Dhule where the chargesheet is filed.

3. The said order was later on clarified vide order dated 4th March, 2015 passed in Criminal Application No. 1157 of 2015 to the effect that the applicant be first released on bail and thereafter, he shall deposit the amount of Rs. One crore within a period of three months from the date of his release on bail.

4. The present application is filed for revocation of the condition to deposit the amount.

5. The argument from both sides as well as the order passed in companion writ petition and other applications would show that another crime was also registered at Nawapur Police Station concerning some of

the transactions involved in the present crime. The Additional Sessions Judge, Nandurbar had also directed the present applicant to deposit an amount of Rs. 50,00,000/- (rupees fifty lacs) in the court of learned Chief Judicial Magistrate, Nandurbar, as condition for his release on bail. Since the transactions were covered by the crime already registered, as detailed supra, this court, in companion matter, has directed for removal of the said condition of deposit put by the learned Additional Sessions Judge, Nandurbar and both crimes are already consolidated at one place.

6. Mr. R.R. Mantri, learned counsel for the applicant took me through the relevant papers in the chargesheet to show that one Mr. Dinesh Agrawal is the principal accused who is behind the bar. It was, therefore, submitted that considering the alleged role of the present applicant in alleged cheating of the complainant Cooperative Society in the amount of Rs. Three crores and odd, the condition put by this Court, while granting bail to the present applicant, to deposit an amount of Rs. One crore needs to be withdrawn. It was further submitted that the applicant and his family

would suffer since the applicant is not able to raise the said amount.

7. On the other hand, learned A.P.P. as well as learned counsel assisting to A.P.P. have again pointed out the statements of the income tax practitioners and the chartered account, which would show that the present applicant personally had forged the documents for manipulation and causing the loss of Rs. Three crores and odd to the Cooperative Society.

8. Upon hearing both sides, in my view, all the relevant facts are already considered. While the allegations are that the Cooperative Society had lost an amount of Rs. Three crores and odd, the directions were issued by this court to the present applicant to deposit an amount of Rs. One crore. No variation in the condition is, therefore, required. In that view of the matter, the following order :-

9. The application is hereby dismissed.

[M.T. JOSHI]
JUDGE

10. After pronouncement of the above order, Mr. R.R. Mantri, learned counsel for the applicant submits that the earlier time granted for deposit of the amount is to end on 14th November, 2015. In the circumstances, he prayed for extension of time to deposit the amount.

11. Considering the fact that substantial amount is to be deposited, the time to deposit the amount is hereby extended by eight weeks with effect from 14th November, 2015.

[M.T. JOSHI]
JUDGE

npj/criapln5129-2015