

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 69 OF 2015
IN
CRIMINAL REVISION APPLICATION NO. 9 OF 2015

RAMNATH MAHALSEKAR. ... Applicant
Versus
SANJAY KUMAR BAGLA. ... Respondent

Mr. S. M. Walawaikar, Advocate for the applicant.

Mr. Ajit R. Kantak, Advocate for the respondent.

Coram:- C. V. BHADANG, J.

Date:- 20th March, 2015

P.C.

Heard Shri Walawaikar, learned Counsel for the applicant and
Shri Kantak, learned Counsel for the non-applicant.

2. Perused record.

3. This application is filed for modification of the condition as imposed by this Court, by order dated 18/02/2015 in Criminal Miscellaneous Application No. 19/2015 in Criminal Revision Application No. 9 of 2015, by which, the applicant has been, inter alia, directed to deposit an amount of Rs.7,00,000/- within a period of three weeks as a condition for releasing the applicant on bail.

4. It is submitted by the learned Counsel for the applicant that this Court, vide order dated 18/02/2015, has come to the conclusion that the learned Sessions Judge has not gone into the exercise of ascertaining the financial ability of the applicant to deposit the compensation. It is submitted that this is necessary before fixing the quantum of compensation, which the accused can be asked to deposit. He submitted that the applicant had shown willingness to deposit an amount of Rs.5,00,000/- and in fact, it is submitted that a draft in the sum of Rs.5,00,000/- has already been deposited in the registry of this Court on 09/03/2015. He submitted that on account of financial inability and constraints, the applicant is not in a position to deposit Rs.7,00,000/-, as has been directed. He, therefore, prays that the amount be reduced to Rs.5,00,000/-, which is already deposited.

5. The learned Counsel for the respondent has opposed the prayer. It is submitted that this Court has already considered the submissions of both the parties as also the willingness shown by the applicant to deposit Rs.7,00,000/- and after considering the rival circumstances and submissions, has directed the applicant to deposit Rs.7,00,000/-. The learned Counsel has submitted that the applicant has also not deposited the said amount within the time as allowed. It is submitted that there are no subsequent developments, which have been either alleged or demonstrated, to show that the reconsideration/modification of the amount is necessary. He, therefore, submitted

that the application be rejected.

6. On hearing the learned Counsel for the parties and on perusal of the record, I find that this Court, on hearing the parties and on consideration of the rival circumstances and submissions made, has observed that there was no exercise gone into while deciding the quantum of compensation as to the ability of the applicant to deposit the same. It is in this view of the matter, this Court has restricted the amount, which was directed to be deposited to Rs.7,00,000/- instead of Rs.13,00,000/-. I further find that the applicant had, in fact, shown willingness to deposit Rs.5,00,000/- and today, a statement is made that the amount is already deposited in the registry of this Court. Indeed, there are no subsequent developments, which are brought to the notice of this Court, which would necessitate the reconsideration/ modification of the amount, already directed to be deposited.

7. The learned Counsel for the applicant has alternatively submitted that time may be granted to deposit the remaining amount of Rs.2,00,000/-. The learned Counsel for the respondent has submitted that appropriate order in this regard may be passed.

8. On consideration of the circumstances and the fact that the applicant has shown bonafides by depositing an amount of Rs.5,00,000/- in this Court, a further time of two weeks can be allowed to the applicant to deposit the remaining amount of

Rs.2,00,000/- in this Court. Ordered accordingly. It is made clear that no further extension of time shall be granted and in the event the said amount is not deposited as ordered, the bail would be liable to be cancelled.

9. The registry shall proceed to encash the draft and shall invest the same in a fixed deposit in any nationalised bank, initially for a period of one year.

10. The application is disposed of in the aforesaid terms.

C. V. BHADANG, J.

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