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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.630 OF 2015**

Nivas Pandurang Patil	...Applicant
Versus	
Rahul R. Jaiswal and Anr.	...Respondents

Mr.S.J.Shelke, for the Applicant

Nivas Pandurang Patil, Applicant in person.

Mr.Devendra Shukla, for the Respondent No.1.

Ms. P. P. Shinde, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 11th SEPTEMBER, 2015

P.C. :

1. Heard learned Counsel for the applicant, learned counsel for the complainant and the learned A.P.P.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 183 of 2015 registered with the Mulund Police Station, Mumbai for the alleged offences punishable under Section 420 of the Indian Penal Code.

3. It is alleged by the prosecution, that the applicant had disclosed to the complainant that he would procure a room for him belonging to the MMRDA and S.R.A on payment of Rs.21,75,000/-. Pursuant to the representation made, the complainant allegedly paid the said amount of the applicant.

4. The Applicant who is present in person states that he is a Government Servant and that he has deposited a sum of Rs.10,50,000/- in the Registry of this Court pursuant to the statement made by him on 7th May, 2015.

5. Learned Counsel for the Complainant seeks to withdraw the aforesaid amount deposited by the Applicant in the Registry of this Court. The Applicant who appears in person has an objection for the withdrawal.

6. Learned Counsel for the Complainant seeks liberty to file an appropriate application for withdrawal of the said amount. Needless to state, that the complainant is at liberty to file such an application and the learned Judge shall decide the same after hearing the Applicant.

7. Considering the nature of allegations and the fact that the offence is one under section 420 and the fact that the applicant has deposited 50% of the alleged amount taken by him, the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall attend the concerned Police Station, as and when called for by the Investigating Officer ;
- (iii) The applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case.

8. As far as the amount of Rs.10,50,000/- is concerned which is deposited in the Registry of this Court, the same shall be invested in a fixed deposit in any Nationalised Bank, initially for three months, to be renewed thereafter from time to time.

9. The Applicant to inform the Registry of this Court the date of

filing of the charge-sheet. The Registry of this Court, shall thereafter transfer the said amount along with the interest accrued thereon, if any, to the Registry of the Court seized of the case, after filing of the charge-sheet.

10. The Trial Court shall pass appropriate orders with respect to the amount so deposited at the conclusion of the trial.

11. It is made clear that the applicant has deposited the said amount without prejudice to his rights and contentions and the same will not be construed as an admission of guilt by the applicant.

12. The Application is allowed in the aforesaid terms and is accordingly disposed of.

13. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

14. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.

CERTIFICATE

*Certified to be true and correct copy of the original signed
Judgment/order.*