

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPP) NO.232/2016

Gajananrao Vasantao Kulkarni

..Versus..

State of Maharashtra, through P.S. Gadgenagar, Amravati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 1.3.2016

Heard Shri P.V. Navlani, advocate for the applicant and
Shri H.R. Dhumale, A.P.P. for the non-applicant.

The applicant had filed Criminal Application (ABA)
No.571/2015 before this Court seeking pre-arrest bail
apprehending arrest in crime registered against him for the
offence punishable under Section 420, 468 and 471 of the
Indian Penal Code.

The accusation against the applicant is that he posed
himself to be owner of plot no.26B, Survey No.189/3,
admeasuring 2229 Sq. Ft. and offered it as security to obtain
loan of Rs.15,000,00/- from the bank. The facts on the record
show that the amount of Rs.15,000,00/- is disbursed to the

applicant. The allegation is that on verification, it was noticed that the documents supplied by the applicant to the bank are not genuine and are forged.

This Court granted ad-interim protection on 30th October, 2015, and subsequently on 26th November, 2015 accepting the statement made on behalf of the applicant that he had already paid an amount of Rs.5,000,00/- and he will pay the balance amount of Rs.14,000,00/- within three months, the ad-interim order came to be confirmed. This Court recorded that if the amount is not paid, the bank would be at liberty to move this Court.

The present application is filed by the applicant seeking extension of time for complying with the order dated 26th November, 2015. The matter was listed on 26th February, 2016. The learned advocate for the applicant had submitted that the applicant requires some more time to pay the amount as assured at the time of hearing on 26th November, 2015. The applicant was asked to deposit some amount to show the *bonafides* and the matter came to be adjourned for today i.e. 1st March, 2016. Shri Navlani, advocate for the applicant has

submitted that the applicant is not in a position to deposit the amount and will require further time to make arrangements.

In my view, there are no *bonafides* on the part of the applicant inasmuch as he has not deposited part of the amount also. Considering the conduct of the applicant, in my view, the order passed by this Court on 26th November, 2015 has to be recalled for committing breach of condition and not complying with the directions of this Court. The order dated 26th November, 2015 is recalled and the pre-arrest bail granted to the applicant is cancelled. The application is rejected.

JUDGE

Tambaskar.