

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.319 OF 2017

Kushala Kiran Uchil

Applicant

versus

The State of Maharashtra

Respondent

Mr.Nilesh Dubey i/by Equa Juris for Applicant.

Mr.R.M.Pethe, APP, for State.

I.M.Shikalgar, API, Vishnunagar Police Station, Dombivali (W)
present.

CORAM : PRAKASH D. NAIK, JJ.

DATE : 13th July 2017

PC :

1. This is an application for anticipatory bail in connection with CR No.I-172 of 2016 registered with Vishnu Nagar Police Station, Dombivali. By order dated 30th March 2017, this Court had observed that the application preferred by the Applicant before the Sessions Court, at Kalyan was rejected on 15th February 2017. The present application was filed on 16th February 2017. This Court had not granted any ad-interim or interim relief to the Applicant. It is recorded in the order dated 30th March 2017 that investigating officer tried to locate the Applicant at her residential address and other known addresses on five occasions, however, the Applicant was not traceable. It is further observed that the Applicant by using the emblem of advocate and printing the same on letter heads, has committed present crime, which is the case of prosecution. It was also observed that the aspect needs to be dealt with seriously as the Applicant was not traceable to the investigating agency. The

Applicant was directed to remain present before this Court on 5th April 2017.

2. The Applicant attended this Court on 5th April 2017. Learned counsel for Applicant, on instructions from the Applicant, who was present in the Court, submitted that with a view to show the bona fides of the Applicant, she is ready and willing to deposit Rs.80 lakhs in four instalments in the registry of this Court. It was further submitted, on instructions, that first instalment of Rs.20 lakh will be deposited on or before 20th April 2017 in the registry of this Court. This Court vide order dated 5th April 2017 accepted the said statement. It was also recorded in the said order that balance amount of Rs.60 lakhs will be deposited in three equal instalments of Rs.20 lakh each in next three consecutive months. The said statement was also accepted and to test the bona fides of the Applicant, the application was adjourned to 21st April 2017 and interim protection was granted to the Applicant. The application was thus adjourned to 21st April 2017.

3. On 21st April 2017 a request was made at the instance of Applicant that time to deposit the amount, as directed by order dated 5th April 2017, be extended. This Court by order dated 21st April 2017 extended the time as a last chance and it was observed that failure to deposit the amount would result in vacating the interim order. The application was then adjourned to 3rd May 2017.

4. The application was then heard on 3rd May 2017. Learned counsel for Applicant then submitted that two weeks time may further be provided to the Applicant to comply the undertaking given

to this Court of deposit, as recorded in orders dated 5th April 2017 and 21st April 2017. At the request of learned advocate for Applicant, the application was again adjourned to 17th May 2017 as a last chance. It is further recorded in the order dated 3rd May 2017 that it is abundantly made clear that if the Applicant fails to comply with the undertaking given by her on 5th April 2017, interim relief granted earlier will stand automatically vacated on 17th May 2017. The application was thus adjourned to 17th May 2017. Thereafter application came up for hearing on 5th June 2017. This Court by order dated 5th June 2017 recorded that interim protection granted earlier stands vacated with effect from 17th May 2017 in view of order dated 3rd May 2017. It is further recorded that the advocate for Applicant submitted that the amount, as stipulated in the order, has not been deposited and he sought an adjournment to take further instructions. At his request, the application was adjourned to 27th June 2017. Again on 27th June 2017, learned advocate for Applicant sought adjournment and the application was adjourned to 29th June 2017. The application was thereafter heard on 29th June 2017. The advocate for Applicant sought two weeks time. It was recorded that the statement made earlier has not been complied with. Learned advocate for Applicant sought time to take instructions from the Applicant that if commitments made before this Court are not complied, whether she would surrender before police. As a matter of last chance, the application was adjourned to 13th July 2017. By order dated 29th June 2017, the Applicant was directed to remain present before this Court on the next date of hearing i.e. today.

5. Today also, the Applicant is not present before the Court. Learned advocate for Applicant submits that the order dated 29th

June 2017 was communicated to the Applicant. However, in spite of that, the Applicant is not present before the Court. Learned advocate for Applicant, however, made a request that the application may be kept for passing orders on 17th July 2017.

6. Learned APP strongly opposed grant of any further adjournment. It is apparent that the Applicant has no regards for the orders passed by this Court. The statement made by the Applicant has not been complied with. The Applicant was shown latitude and the application was adjourned from time to time. However, in spite of that, the undertaking given to this Court has not been complied with nor the directions issued to the Applicant are followed by the Applicant. It is the prosecution case that the Applicant had committed serious crime by playing major role in the transactions which is the subject matter of prosecution.

7. Taking into consideration the conduct of Applicant referred hereinabove, as well as the role of attributed to the Applicant by prosecution, the application deserves to be rejected. Accordingly, Anticipatory Bail Application No.319 of 2017 is rejected.

(PRAKASH D. NAIK, J.)