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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 981 OF 2017

Bhagwan Prabhuappa Gunjkar

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. S.A. Ingawale for applicant.

Mr. A.A. Palkar, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 27th September 2017.

P.C.

1] In pursuance of Order dated 6th September, the applicant has filed an Undertaking/Affidavit duly affirmed before the Superintendent, Taloja Central Prison, Navi Mumbai, District-Raigad dated 9.9.2017, thereby giving schedule of repayment of the balance amount of Rs.58,14,000/-. It is stated in the said undertaking/affidavit that after his release from jail, the applicant will deposit the first installment of Rs.10.00 lakhs in the Registry of the Judicial Magistrate First Class, Panvel, District-Raigad on or before 21.10.2017 and will deposit entire amount of Rs.58,14,000/- in the said Registry on or before 21.3.2018. The schedule of payment is at page 4 of the said undertaking.

2] In view thereof, the applicant can be released on bail. However it is made clear that before his release from jail, applicant will have to deposit the first installment of Rs.10.00 lakhs in the Registry of J.M.F.C., Panvel, District-Raigad which shall be condition precedent for his releasing on bail from jail. The said deposit will be treated as first installment mentioned in the undertaking and the applicant will have to pay the balance installments on or before the last date i.e. 21.3.2018 without fail. It is made clear that this Court has accepted the said Undertaking/Affidavit in view of the peculiar facts and circumstances of the present case and in view of the fact that the applicant has already paid approximately an amount of Rs.16.00 lakhs to four investors prior to this.

It is made clear that this Court has not examined the matter on merits and has shown indulgence to the applicant only in view of the fact that he has expressed his willingness to repay the entire amount involved in the present crime which alleged to have been accepted from the investors for the said project within a period of six months from today.

Hence the following Order:

(i) The applicant be released on bail in CR No.I-57 of 2017 registered with Kamothe Police Station, Taluka Panvel, Navi Mumbai on on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) Till the completion of formality of furnishing sureties, applicant is permitted to furnish cash bail of Rs.25,000/0.

(iii) It is however made clear that before his release from hail, applicant shall pay the first installment of Rs.10.00 lakhs in the Registry of J.M.F.C., Panvel which is condition precedent for his releasing on bail.

(iv) After his release from the jail, the applicant shall attend the concerned Police Station once in month i.e. on every 1st Monday of the month between 11.00 a.m. to 2.00 p.m.

(v) The applicant shall also attend all the dates before the Trial Court.

(vi) Any two consecutive defaults in complying with the aforesaid conditions, shall attract the provisions of cancellation of bail.

(vii) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

4] It is further made clear that if applicant commits breach in making deposit of any of the installments mentioned in the undertaking, the prosecuting agency will be at liberty to file an application for cancellation of bail of the applicant.

5] With the aforesaid directions, the application is allowed.

(A.S. GADKARI,J.)