

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1261 OF 2017

Mr. Bharat Babulal Jain & Ors. ... Applicants

V/s.

The State of Maharashtra & Anr. ... Respondents

Mr. Vijay Upadhyay for the Applicant.
Mr. P. G. Sarda, for Respondent No.2.
Mr. S.R. Agarkar, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.
DATE : 15th NOVEMBER, 2017

P.C.:

. By an order dated 20.07.2017, the Applicants were granted interim relief. The Applicants thereafter, from time-to-time sought adjournments and the said interim relief was continued. On 29.09.2017, the Applicants made a solemn statement before this Court that with a view to prove their bonafide, Applicants are intending to deposit the balance amount of Rs.3,25,00,000/- in the Registry of this Court without prejudice to the rights and contentions. The said statement is recorded in the Order of even date.

2 On 10.10.2017, the Applicants made a statement that in pursuance of Order dated 29.09.2017, they will deposit sum of Rs.1,00,00,000/- in the Registry of this Court within a period of one week from 10.10.2017 without

seeking any further extension and balance amount of Rs.2,25,00,000/- will be deposited on or before 10.11.2017 in the Registry of this Court. The said fact is recorded in the Order dated 10.10.2017. The record indicates that despite making the said statement on 10.10.2017, the Applicants moved the present application before the vacation Court and sought further extension to deposit the first installment of Rs.1,00,00,000/- up to 01.11.2017.

3 It was submitted that on 01.11.2017, the said amount was deposited in the Registry of this Court. However, the learned Counsel for the Applicants sought further time up to 11.11.2017 to comply with the order dated 10.10.2017 and the matter was adjourned for 15.11.2017. The Application is thereafter listed today for hearing.

4 Learned Counsel for the Applicants on instructions submitted that the Applicants have not complied with the Order dated 10.10.2017 and have not deposited the balance amount of Rs.2,25,00,000/- in the Registry of this Court. Learned Counsel for the Applicants sought further time to comply with the order dated 10.10.2017.

5 The aforesaid chronology of events would clearly indicate that the Applicants after getting interim relief from this Court on some or the other pretext sought adjournments and instead of complying with the solemn statement made before this Court, are trying to dodge their liability. This Court is of the considered opinion that Applicants are not having bonafide intention to

comply with the Order dated 10.10.2017 and the statements have been made just to procrastinate the present application for continuing interim relief.

6 In view of the above, interim relief granted by an Order dated 20.07.2017 is hereby vacated. As a consequence thereof, the present application does not survive and is accordingly dismissed.

(A.S.GADKARI, J.)