

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1339 OF 2017

1. Rajeev Gulabrao Jagtap .Applicants
2. Sanjeev Gulabrao Jagtap
3. Sunita Rajeev Jagtap
4. Vaishali Sanjeev Jagtap
5. Sureshawar Laxman Takawale
6. Kumud Sureshwar Takawale

Vs.

The State of Maharashtra .Respondent

Mr.V.V.Purwant a/w. Mr.S.Deokar, Advocate, for the Applicants
Mr.S.R.Agarkar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 03.08.2017

P.C.

. Heard learned counsel for the parties.

2. This is the second application preferred by the Applicants, seeking pre-arrest bail in connection with C.R. No. 39 of 2016 registered with the Sahakar Nagar Police Station, Pune, for the alleged offences punishable under Sections 420, 406, 409 r/w 34 of the Indian Penal Code.

3. Learned Counsel for the applicants submits, that in view of

the change of circumstance, the aforesaid application has been filed. He submits that although the amount mentioned in the FIR is a sum of Rs.4,86,99,273/-, the applicants have deposited a sum of Rs. 5,18,42,492/- with the EPF Office.

4. Perused the papers. The first application for pre-arrest bail was filed by the applicants, being Anticipatory Bail Application No. 506 of 2016, in this Court. On 18th March, 2016, in view of the statement made by the learned Counsel for the applicants that they were ready and willing to deposit the entire outstanding amount, as disclosed by the Enforcement Officer of the EPF Organization within four months, the applicants were granted pre-arrest bail. Accordingly, the said application was disposed of in view of the statement made by the learned Counsel for the applicants. Thereafter, on 18th July, 2016, as the applicants did not deposit the said amount of Rs.4,86,99,273/-, this Court vacated the order dated 18th March, 2016, granting pre-arrest bail to the applicants.

5. Learned Counsel for the applicants now state, that the applicants have deposited the entire amount of Rs. 5,18,42,492/- with the EPF Office.

6. Learned APP on instructions, does not dispute the same. He has tendered a letter addressed by the Assistant P. F. Commissioner, Regional Office, Pune to the Senior Police Inspector, Sahkar Nagar Police Station, Pune. As the Applicants have deposited the amount with the EPF, Regional Office, Pune, custodial interrogation of the Applicants is not required. Accordingly, the Application is allowed and the Applicants are granted pre-arrest bail on the following terms & conditions:-

ORDER

(i) In the event of arrest, the Applicants be enlarged on bail, on executing PR Bond in the sum of **Rs.20,000/- each** with one or two sureties in the like amount.

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

8. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)