

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3766 OF 2016

Nandkumar Ramchandra Jadhav

.....Petitioner/
Orig. Accd no.2

V/s.

The State of Maharashtra

.....Respondent

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Mr. Nitin Pradhan a/w. Ms. Ameeta Kuttikrishnan, Advocate for the petitioner.

Ms. Anamika Malhotra, APP for respondent, State.

CORAM :- SMT. R.P. SONDURBALDOTA, J.

DATED :- 5TH JANUARY, 2017.

P.C. :-

1). This petition challenges the order dated 10th October, 2016 by which the District Court, Sangli rejected the petitioner's application at Exhibit-17 for recalling the direction of deposit of the fine amount of Rs.50,00,000/- or providing bank guarantee for the same amount as a condition for releasing the petitioner on bail. The order imposing condition was passed on 27th June, 2016. Apparently, thereafter the petitioner had preferred an application at

Exhibit-13 seeking time of 10 weeks to comply with the condition of providing bank guarantee after the date of release. That application was rejected by the order dated 16th July, 2016. Thereafter, the application at Exhibit-17 was filed for recalling of the order.

2). The lower Appellate Court, after considering various submissions advanced before it has, at para-17, noted the conduct of the petitioner qua the proceedings against him. It notes that in the application at Exhibit-5 while praying for suspension of sentence, one of the statements made by the petitioner was that, he would be depositing one-third of the fine amount i.e. Rs.17,00,000/- in three, monthly installments of Rs.6,00,000/- each and for the balance amount, he would be giving surety within one month. Exhibit-5 application was allowed on 27th June, 2016 directing deposit of the fine amount of Rs.50,00,000/- or bank guarantee in the like amount in the Court as one of the conditions for releasing him on bail. Thereafter, the application at Exhibit-13 was filed for extension by which the petitioner sought time of 10 weeks to furnish the bank guarantee. Since he had not deposited any amount in the Court, his application for being released on bail only on furnishing bail bond with a promise of future compliance of the condition of bail was not accepted and the application at Exhibit-13 was rejected. Thereafter, the application at Exhibit-17 was filed for recalling of the order of condition to deposit the fine amount of Rs.50,00,000/-. The lower Appellate Court, has noted the change in the stand of the petitioner from Exhibit-5 to Exhibit-13 to Exhibit-17 to observe that in order to get favourable orders, he has been making various

assurances in his application without intention to comply with the same. It is also further observed that, the condition imposed of depositing the entire fine amount or producing bank guarantee does prior does not require any modification. One more conduct of the petitioner is required to be noted at this stage. Admittedly, for two years after registration of the crime against him, the petitioner was absconding.

3). Mr. Pradhan, the learned Advocate appearing for the petitioner submits that, today it is virtually impossible for the petitioners to arrange for an amount of Rs.50,00,000/- for depositing towards fine in the Court. According to him, the source of earnings of the petitioner has stopped and that he is at the mercy of his children. He also submits that the appropriateness of the fine imposed by the petitioner would be one of the issues to be considered by the Appellate Court. Therefore, it would not be proper to call upon him to deposit the entire amount of fine in the Court as a condition for releasing him on bail.

4). I am not impressed by either of the arguments advanced. The financial condition of the petitioner, as alleged, cannot be accepted because of the nature of the allegations established against him for his conviction. As regards the second argument, in the event, the petitioner succeeds in getting the amount of fine either reduced or set aside, he will be entitled for return of the amount of fine. Hence, the petition is dismissed.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3243 OF 2016

Nandkumar Ramchandra Jadhav

.....Petitioner/
Orig. Accd no.2

V/s.

The State of Maharashtra

.....Respondent

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Mr. Nitin Pradhan a/w. Ms. Ameeta Kuttikrishnan, Advocate for the petitioner.

Ms. Anamika Malhotra, APP for respondent, State.

CORAM :- SMT. R.P. SONDURBALDOTA, J.

DATED :- 5TH JANUARY, 2017.

P.C. :-

1). Mr. Pradhan, the learned Advocate appearing for the petitioner, on instructions, seeks to withdraw the petition in view of the changed circumstances. The petition is allowed to be withdrawn.

(SMT. R.P. SONDURBALDOTA, J)