

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 982 OF 2016
IN
CRIMINAL APPLICATION NO. 1324 OF 2016

Tushar Shahji Chaudhari & Ors.

.... Applicants

Versus

State of Maharashtra

.... Respondent

Mr. R.D.Soni a/w Sujay N. Gawade I/by. Shree & Co. for Applicants.
Mr. V.B.Konde Deshmukh, APP for Respondent/State.
Mr. PI Hazare Arun, Amboli Police Station.

CORAM : RAVINDRA V. GHUGE, J.
DATE : MARCH 15, 2017.

P.C.

. The Applicants are aggrieved by the order dated 14/10/2016, by which the Applicants are directed to deposit Rs. 30,00,000/- (Rs. Thirty Lacs only) and present themselves before the Investigating Officer as and when summoned for investigation. On the said condition, the protection granted on 6/6/2016 in ABA No. 584 of 2016 was continued.

2. The impugned order read as under :

“ORDER

Misc.Application No. 136/2016 is hereby disposed off as under :

- (i) The respondents are hereby asked to deposit Rs.30,00,000/- (Rs. Thirty Lakhs) within a month from today, without fail.*
- (ii) They should remain present before the investigating officer as and when called for investigation purpose.*
- (iii) They should not meet or pressurise the complainant as well as prosecution witnesses by any mode.*
- (iv) If the respondents failed to deposit the aforesaid amount within prescribed time, their protection dated 6/6/2016 in ABA No. 584/2016 would be automatically cancelled.”*

3. The learned Counsel for Applicants submits on instructions that the applicants would deposit the amount of Rs. 30,00,000/- (Rs. Thirty Lacs only) before the trial court irrespective of the fate of their pending application seeking an order for defreezing their Bank Account. It is specifically stated that, in any case, Rs.30,00,000/- would be deposited before the trial court within two weeks from today, notwithstanding whether the application for defreezing the account is decided by the trial court.

4. The learned APP submits on instructions from the Investigating Officer that if the said amount is not deposited within two weeks, an order be passed indicating that the protection granted would stand automatically vacated and the order dated 6/6/2016 would thereafter lose its efficacy.

5. In the light of the above, this application is disposed of by recording the statement of the Applicants. They shall therefore deposit an amount of Rs. 30,00,000/- (Rs. Thirty Lacs only) before the learned City Civil Court, Dindoshi, Mumbai on or before 29th March 2017, failing which, clause 1 (iv) of the impugned order dated 14/10/2016 shall become operable and the protection granted by order dated 6/6/2016 would stand automatically vacated without reference to the Court. The applicants shall not seek extension of time to deposit the amount.

(RAVINDRA V. GHUGE, J.)