

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 648 OF 2017

Mrs. Harshada Arun Bendre vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. S.D.Khot for the Applicant.

Mr. Pradeep Chavn, Special PP with Mr. Ameet Palkar, APP for the State.

CORAM :A.S.GADKARI, J.

DATE : 19th December, 2017

P.C.

1. This is an application for modification of the order dated 19.4.2017 passed below Exhibit-179 by the Special Judge (Under Prevention of Corruption) Act, Greater Mumbai in Special Case No.104 of 2015.

2. The applicant is accused No.4 in the aforesaid crime. The record indicates that the applicant had earlier preferred an application for bail bearing Bail Application No.23/2016 before this Court. The said application was permitted to be withdrawn by this Court with liberty to the applicant to approach the Trial Court with a fresh prayer for grant of bail based on the ground that if the liability of the applicant in the crime in question is assessed, she can deposit the same, as similar relief was granted to other accused by the Trial Court. The said fact is recorded in order dated 1.12.2016.

3. The record further indicates that in pursuance of the said

liberty granted to the applicant, the applicant preferred an application for bail below Exhibit 140 in the said Special Case No.104/2015 and the Trial Court by its order dated 18.3.2017 was pleased to allow the said application with a direction to deposit an amount of Rs.20,00,000/-(Twenty lakhs) only before the said Court. As the applicant was unable to deposit the said amount of Rs.20,00,000/- in lump sum she preferred an application below Exh.179 before the Trial Court seeking 20 installments of Rs.1,00,000/- each per month to be deposited in the registry of the Trial Court as was directed by an order dated 18.3.2017. The learned Special Judge by its order dated 19.4.2017 was pleaded to modify the earlier order dated 18.3.2017 and directed the applicant to deposit the said amount in three installments of Rs.6,00,000/- Rs.7,00,000/- and Rs. 7,00,000/- respectively. Though the order is passed on 19.4.2017 and as the applicant is unable to comply with the said conditions, she is still languishing in Jail.

4. The learned counsel for the applicant submitted that as has been pleaded in the application filed below Exhibit 179 by the applicant, the applicant is ready and willing to deposit the said amount of Rs.20,00,000/- in 20-installments of Rs.1,00,000/- each. She further submitted that first installment of Rs.1,00,000/- will be deposited in the registry of the Trial Court before the applicant will be actually released from Jail. After taking into consideration the fact that despite there being Order of release on bail dated 18.3.2017, the applicant is still languishing in Jail, I am inclined to modify the said order dated 19.4.2017.

Hence, the following order.

a) The applicant is permitted to deposit a sum of Rs.20,00,000/- (Twenty lakhs) only in the registry of the Trial Court in 20-equal installments of Rs.1,00,000/- each per month.

The applicant shall deposit the first installment of Rs.1,00,000/- before her actual release from Jail and the balance installments shall be deposited without any default in 19-installments of Rs.1,00,000/- each.

b) The said installment shall be deposited on or before 7th day of every calendar month.

c) Rest of the conditions imposed by the Trial Court by its order dated 18.3.2017 and 19.4.2017 are not disturbed.

d) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)