

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [APPP] No.15 of 2017
in
Criminal Application [ABA] No.688 of 2015

(Mangesh Gangadhar Utane

vs.

State of Maharashtra, through Police Station Gadgenagar, Amravati)

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Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

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Court's or Judge's Orders

Shri S.V. Sirpurkar, Advocate for the Applicant.
Shri M.J. Khan, A.P.P. for the Non-Applicant/State.

CORAM : S.B. SHUKRE, J.
DATE : 10th JANUARY, 2017.

Heard.

After getting two weeks' more time as per the order dated 21/12/2016, the applicant is once again before this Court seeking extension of time.

The learned Counsel for the applicant states that the applicant has shown his *bona fide* by depositing Rs.80,000/- in the loan account bearing No.967970410000002 with Bank of India, Branch V.M.V., Amravati on 03/01/2017. He further submits that if the applicant is granted some more reasonable time, he would be in a position to dispose of his property and gain sufficient fund to clear the loan account and till the time he does so, the applicant is also willing to deposit Rs.25,000/- per month by way of installment towards repayment of loan.

The learned A.P.P. submits that the applicant has already been granted sufficient time and, therefore, this application be rejected.

I would have accepted the submission of the learned A.P.P., had it not been for the *bona fides* on the part of the applicant appearing from the record of this application. It is seen that the applicant had deposited an amount of Rs.80,000/- in his loan account and now he has also come up with the proposal to deposit and continue to deposit the amount of Rs.25,000/- per month till he sells the property. Therefore, I am of the view that further time of six months, by way of last chance, could be granted to the applicant.

Accordingly, this application is allowed. Further time of six months for depositing the amount of about Rs.14,00,000/-, with appropriate adjustments to be made in respect of the deposits made during the period is granted to the applicant subject to the condition that from the month of February, 2017, the applicant shall deposit an amount of Rs.25,000/- every month on or before 15th day of that month till he disposes of the property and clears the loan account or till expiry of the period of six months from the date of the order, whichever is earlier. It is also made clear that by this order, the applicant has been granted last chance to comply with the order of this Court dated 28/01/2016 and, therefore,

no further application in this regard shall be entertained by this Court. It is further made clear that in case default occurs in depositing the amount of Rs.25,000/- per month or this order is not complied with before expiry of the period so extended, the bail granted to the applicant shall stand cancelled and the applicant shall also be liable to face proceedings in terms of order dated 28/01/2016.

The application is disposed of accordingly.

JUDGE

**sdw*