

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 130 OF 2018**

Sanjaybhai Govindbhai Tanti

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. A.K. Milwala i/by D.M. Kapadia for the Applicant.

Mr. S.S. Hulke APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 19th JUNE, 2018.

P.C.:-

By an order dated 24th January 2018, the Applicant was granted interim relief on the ground that, the Applicant made a statement that with a view to prove his bonafide and without prejudice to his rights and contentions to be raised at the time of hearing of the present Application and/or in any other proceedings to be adopted by him, the Applicant was ready and willing to deposit an amount of Rs.87,40,200/- in the Registry of this Court in two equal installments.

2 The statement made by the learned counsel appearing for the Applicant on 24th January, 2018 has been in detailed recorded in the said order. On the basis of the said statement only, the Applicant

was granted interim relief by this Court.

3 Mr. Milwala, the learned counsel appearing for the Applicant today makes a statement that, the Applicant never instructed the earlier advocate to make such a statement and therefore, the Applicant did not comply with the solemn statement made by him on 24th January 2018, before this Court. The practice adopted by the Applicant is a deplorable practice and is hereby deprecated. The conduct of the Applicant cannot be countenance. It is clear from the record that, the Applicant only with a view to procure interim relief in his favour, made a false statement before this Court on 24th January 2018 and succeeded in it.

It is the settled position of law that, an Order procured on the basis of a false statement should not hold field even for a while and has to be set aside on the count alone.

4 In view thereof, the interim relief granted by Order dated 24th January, 2018 is hereby vacated forthwith.

As a consequence thereof, the Application is rejected.

(A.S. GADKARI, J.)