

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.476 OF 2018

Jayant N. Mehta vs. The State of Maharashtra

WITH

CRIMINAL APPLICATION NO.253 OF 2018

WITH

CRIMINAL APPLICATION NO.255 OF 2018

WITH

CRIMINAL APPLICATION NO.671 OF 2018

WITH

CRIMINAL APPLICATION NO.409 OF 2018

WITH

CRIMINAL APPLICATION NO.250 OF 2018

WITH

CRIMINAL APPLICATION NO.254 OF 2018

WITH

CRIMINAL APPLICATION NO.257 OF 2018

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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Mr. Vedchetan Patil i/by Vaibhav Bagade for the Applicant.
Mr. Yogesh Gandhi with Mr.Atmaram Pathde, Pravin Naik i/by Jondhale & Co. for the Intervener in Application No.253/2018.

Mr. Laxminarayan Shukla i/by Legal Vision for the Intervener in application No.255/2018.

Mr. Sayeed Mulani with Shabhana Waghmar for the Intervener in Application No.671/2018/

Mr. Pranot Pawar i/by Maharashtra Law Associates for the intervener in Application No.250/2018.

Ms. P.M.Bhansali for proposed Intervener Parag Gandhi.

Ms. A. A. Takalkar, APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 15th June, 2018

P.C.

1. The applicant was granted interim relief on 10.4.2018 on his filing written undertaking dated 10.4.2018 before this Court. The applicant had undertaken to deposit an amount of Rs.50,00,000/- in this Court on or before 23.4.2018. As the applicant could not comply with and/or honour the undertaking given by him on 10.4.2018, he again filed a fresh undertaking dated 23.4.2018 before this Court and this Court by its order dated 24.4.2018 permitted him to pay the said sum of Rs.50,00,000/- directly to the original complainant Shri. Harshad D. Patel. At the time of hearing of the application on 10.4.2018 a submission was made on behalf of the applicant that, if the applicant fails to deposit the amount mentioned in Exh. B of the said undertaking within stipulated period, interim relief will be vacated. The applicant also gave schedule of payment and amounts accepted by him from other witnesses which is annexed at

Exh. B to the said undertaking dated 23.4.2018.

This Court showing leniency to the applicant accepted the modified undertaking dated 23.4.2018 and in furtherance thereof the applicant was supposed to pay the first instalment of Rs.50,00,000/- which payment has not been paid till date.

2. It is further to be noted here that, today also the applicant is submitting excuses in not complying with the undertaking dated 23.4.2018. It is thus clear that, the applicant with a view to procure the interim relief initially submitted a false undertaking before this Court which by a subsequent undertaking dated 23.4.2018 modified and the same has been accepted by this Court by its order dated 24.4.2018. It appears from the conduct of the applicant that, he was well aware on 10.4.2018 and 23.4.2018 that, he was and is unable to comply with the statements/undertaking given therein to this Court. It is thus clear that the applicant only for the purpose of procuring interim relief made false statement before this Court and also brazenly filed undertakings to that effect

which are not honoured till today. It is the settled position of law that an Order procured by making false statement should not remain in force and has to be set side the moment Court realizes that a false statement is made before it in that behalf.

2. In view of the above, the interim relief granted by Order dated 10.4.2018 is vacated with immediate effect. As a consequence thereof, the anticipatory bail application is dismissed.

3. In view of the dismissal of the anticipatory bail application, the applications for intervention do not survive and are accordingly disposed off.

(A.S.GADKARI, J.)