

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 441 OF 2018****IN****BAIL APPLICATION NO. 2440 OF 2017**

Vijay Jagannath Tribhuvan

.....Applicant

Vs.

The State of Maharashtra

.....Respondent.

Mailaqua Mir for the Applicant.

Mr. M.G. Patil, APP for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 13th JUNE, 2018.****P.C.:-**

This is an Application for relaxation of condition No. (c) imposed upon the Applicant while releasing him on bail by an Order dated 22nd February 2018 by this Court, on his filing affidavit/undertaking before this Court that he shall deposit a total sum of Rs.18,00,000/- in the Registry of this Court on or before 21st August, 2018.

2 The learned counsel for the Applicant submitted that, the Applicant has already deposited first two installments of Rs.5,00,000 and Rs.4,00,000/- respectively. She further submitted that, it is difficult for the Applicant to deposit next two installments within the stipulated period, as the son of the Applicant has undergone measure

surgery.

3 It is to be noted here that, the Application of the Applicant for bail under Section 439 of the Code of Criminal Procedure was allowed only on the ground that, the Applicant gave undertaking to this Court that, he will deposit the said amount in the Registry of this Court in four installments, as mentioned in the para 4 of the said Order. By the self operative order, it has been directed that, if the Applicant commits any single default to deposit the said amount, the bail granted to the Applicant shall stand cancelled and the Applicant will have to surrender before the Jail Authority without further reference to the Court.

4 It appears that, till the time the Applicant was in jail he accepted all the conditions and gave undertaking to deposit the said amount and after his actual release from jail, the Applicant is now giving excuses in complying with his own undertaking.

In that view of the matter, I find no reason to grant extension to the Applicant.

5 Application is accordingly rejected.

(A.S. GADKARI, J.)