

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION*

CRIMINAL APPEAL NO. 939 OF 2018

Mr.Amogh Gajanan Sawant

... Appellant

Vs.

The State of Maharashtra and others

... Respondents

Mr.Kuldeep S.Patil, for the Appellant

Mr.M.H.Mhatre, APP for State.

***CORAM : S. S. SHINDE &
MRS.MRIDULA BHATKAR, JJ.***

Date : August 23, 2018.

P.C. :

This Appeal takes exception to the order passed by the Special Court while deciding the Miscellaneous Application before the Designated Court under the M.P.I.D Act, on 13 April 2018.

2. The learned counsel appearing for the Appellant submits that bank accounts of the Appellant's are frozen and as a result the Appellant is not able to adhere to the schedule of repayment of the amount to the persons who have deposited some amount with him for purchasing the flats. Therefore, he submits that unless the impugned order is stayed, the Appellant will not be able to operate the accounts and adhere to the time frame / schedule of repayment of

the amount as undertaken before the Court presided over by the learned Civil Judge while allowing the prayer of the Appellant to release him on anticipatory bail.

3. On the other hand, learned APP appearing for the State invites our attention to the order passed by the learned Single Judge and submits that the Appellant agreed before the Court that he will deposit Rs.1,27,62,657/- on or before 31 July 2018 and remaining amount as per dates indicated in his undertaking given before the learned Single Judge. However the amount of Rs.1,27,62,657/- has not been deposited before 31 July 2018. The statement of the learned APP is not disputed by the learned counsel appearing for the Appellant. It is not in dispute that by the time Miscellaneous Application of the Appellant to release him on anticipatory bail was taken up for hearing. The total amount which was taken by the Appellant from the various persons was Rs.5,30,00,000/-. Even if the amount lying in all the bank accounts is calculated, it is less than Rs.5,30,00,000/-.

4. The Special Court while rejecting the Miscellaneous Application of the Appellant in para 10 has given the cogent reasons. In our view the impugned order deserves no interference. Hence appeal stands dismissed.

(MRS.MRIDULA BHATKAR, J.)

(S. S. SHINDE, J.)