

Nalawade

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

**ANTICIPATORY BAIL APPLICATION NO. 1533 OF 2017
WITH
ANTICIPATORY BAIL APPLICATION NO. 1725 OF 2017
WITH
CRIMINL APPLICATION NO. 862 OF 2017
WITH
CRIMINL APPLICATION NO. 882 OF 2017
WITH
CRIMINL APPLICATION NO. 884 OF 2017
WITH
CRIMINL APPLICATION NO. 901 OF 2017
WITH
CRIMINL APPLICATION NO. 910 OF 2017
WITH
CRIMINL APPLICATION NO. 923 OF 2017
WITH
CRIMINL APPLICATION NO. 940 OF 2017
WITH
CRIMINL APPLICATION NO. 950 OF 2017
WITH
CRIMINL APPLICATION NO. 951 OF 2017
WITH
CRIMINL APPLICATION NO. 953 OF 2017
WITH
CRIMINL APPLICATION NO. 960 OF 2017
WITH
CRIMINL APPLICATION NO. 962 OF 2017
WITH
CRIMINL APPLICATION NO. 963 OF 2017
WITH
CRIMINL APPLICATION NO. 975 OF 2017
WITH
CRIMINL APPLICATION NO. 976 OF 2017
WITH
CRIMINL APPLICATION NO. 977 OF 2017
WITH
CRIMINL APPLICATION NO. 981 OF 2017
WITH**

CRIMINL APPLICATION NO. 992 OF 2017
WITH
CRIMINL APPLICATION NO. 993 OF 2017
WITH
CRIMINL APPLICATION NO. 1004 OF 2017
WITH
CRIMINL APPLICATION NO. 1011 OF 2017
WITH
CRIMINL APPLICATION NO. 1012 OF 2017
WITH
CRIMINL APPLICATION NO. 1039 OF 2017
WITH
CRIMINL APPLICATION NO. 1051 OF 2017
TO
CRIMINL APPLICATION NO. 1054 OF 2017
WITH
CRIMINL APPLICATION NO. 1065 OF 2017
WITH
CRIMINL APPLICATION NO. 1068 OF 2017
WITH
CRIMINL APPLICATION NO. 1070 OF 2017
WITH
CRIMINL APPLICATION NO. 1155 OF 2017
WITH
CRIMINL APPLICATION NO. 1158 OF 2017
WITH
CRIMINL APPLICATION NO. 1161 OF 2017
TO
CRIMINL APPLICATION NO. 1166 OF 2017
WITH
CRIMINL APPLICATION NO. 1168 OF 2017
TO
CRIMINL APPLICATION NO. 1175 OF 2017
WITH
CRIMINL APPLICATION NO. 1210 OF 2017
TO
CRIMINL APPLICATION NO. 1221 OF 2017
WITH
CRIMINL APPLICATION NO. 2 OF 2018
WITH
CRIMINL APPLICATION NO. 3 OF 2018
WITH

CRIMINL APPLICATION NO. 14 OF 2018

TO

CRIMINL APPLICATION NO. 17 OF 2018

WITH

CRIMINL APPLICATION NO. 22 OF 2018

WITH

CRIMINL APPLICATION NO. 25 OF 2018

WITH

CRIMINL APPLICATION NO. 26 OF 2018

WITH

CRIMINL APPLICATION NO. 31 OF 2018

WITH

CRIMINL APPLICATION NO. 3 OF 2018

WITH

CRIMINL APPLICATION NO. 34 OF 2018

ALL APPLICATIONS IN A.B.A NO.1533 OF 2017

Dipesh Bhagtani & ors.

.Applicants

Vs.

The State of Maharashtra

.Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 1935 OF 2017

WITH

CRIMINL APPLICATION NO. 1132 OF 2017

WITH

CRIMINL APPLICATION NO. 1160 OF 2017

WITH

CRIMINL APPLICATION NO. 1177 OF 2017

WITH

CRIMINL APPLICATION NO. 1204 OF 2017

IN

ANTICIPATORY BAIL APPLICATION NO.1935 OF 2017

Lakshaman P Bhagtani & ors.

.Applicants

Vs.

The State of Maharashtra

.Respondent

Mr. Subodh Desai i/b. Khaitan & Co., Advocate, for the

Applicant in **Cri. Appln. No. 1155 of 2017**

Mr. A. P. Mundargi, Senior Counsel a/w Mr. Girish Kulkarni,

Mr. Hrishikesh Mundargi, Mr. Abhishek Yende, Mr. Subir Sarkar,
for the Applicants in **ABA Nos. 1533 and 1725 of 2017**

Mr. Mahesh Jethmalani, Senior Counsel a/w Mr. Sahil Mahajan,
for the Applicants in **ABA No. 1935 of 2017**

Mr. Sidedesh Borkar i/b. Mr. N. A. Mogre, Advocate, for the
Applicants in **Cri. Appln. No. 862 of 2017**

Mr. Nitin Pradhan i/b. Ms Shraddha Dubey-Patil, Advocate, for
the Applicants in **Cri. Appln. Nos. 882, 923, 1039, 1158 &
1161 of 2017**

Mr. Devendra Tripathi, Advocate, for the Applicants in **Cri.
Appln. No. 884 of 2017 along with APPP No.1052, 1053 and
1054 of 2017.**

Ms Jayesh Mestry, Advocate, for the Applicants in **Cri. Appln.
Nos. 901 & 940 of 2017**

Mr. Abdul Shaikh, Advocate, for the Applicant in **Cri. Appln.
No. 910 of 2017**

Mr. Satish Dubey, Advocate, for the Applicants in **Cri. Appln.
Nos. 950 & 951 of 2017**

**Mr. Rohit Sawant for the Applicant in APPP No.960/2017,
981/2017 and 1065/2017, 1070/2017.**

Mr. Ajay Verma i/b. Mr. P. G. Sawant, Advocate, for the
Applicants in **Cri. Appln. Nos. 975 & 976 of 2017**

Mr. Gunjan Chaubey, Advocate, for the Applicant in **Cri. Appln.
No. 977 of 2017**

Mr. Prashant Phophale i/b. PMH Law, Advocate, for the
Applicant in **Cri. Appln. No. 992 of 2017.**

Mr. Prashant Phophale i/b. PMH Law, Advocate, for the Applicant in **Cri. Appln. No. 993 of 2017**

Mr. Dinesh Pandit i/b. Ms. Jyoti Sanap, Advocate, for the Applicants in **Cri. Appln. No. 1004 of 2017**

Ms Sonali Samuel i/b. Ms Priscilla Samuel, Advocate, for the Applicants in **Cri. Appln. Nos. 1163, 1164, 1165, 1166, 1168, 1169, 1170, 1171, 1172, 1173, 1174 & 1175 of 2017**

Mr. Ritesh Singh i/by S.R.Singh for the Applicant in APPP No.1068/2017.

Mrs. Rutuja Ambekar, APP, for the Respondent – State in **Cri. Appln. Nos. 1155, 882, 977, 1039, 1052, 1158, 1169 & 1171 of 2017, 1070/2017.**

Smt. J. S. Lohokare, APP, for the Respondent – State in **ABA No. 1533 of 2017 a/w Cri. Appln. Nos. 862, 940, 950, 981, 1004, 1051, 1053, 1162 & 1170 of 2017 and 963/17.**

Mrs. A. A. Takalkar, APP, for the Respondent – State in **Cri. Appln. Nos. 884, 953, 992, 1054, 1165 & 1172 of 2017 and 1168/2017.**

Ms Pallavi Dabholkar, APP, for the Respondent – State in **Cri. Appln. Nos. 901, 960, 976, 1065, 1164 & 1173 of 2017 and 951/2017.**

Mr. Pravin Pilly for the Applicant in APPP No.1051/2017 & 1166/2017.

Mr. A. A. Palkar, APP, for the Respondent – State in **Cri. Appln. Nos. 910, 975, 1011, 1155, 1161 & 1175 of 2017**

Mr. R. M. Pethe, APP, for the Respondent – State in **Cri. Appln. Nos. 923, 962, 993, 1068 & 1165 of 2017 and 1012/2017.**

Mr. A. D. Kamkhedkar, APP, for the Respondent – State in **Cri. Appln. Nos. 951, 963, 1012, 1070, 1166 & 1168 of 2017**

CORAM : A.S.GADKARI, J.

DATE : 11th January, 2018

P.C.

1. In order dated 30.11.2017, this Court (Coram-Smt. Anuja Prabhudessai, J.) after summarizing the earlier orders passed herein, reached to a conclusion that the applicants have failed to comply with the undertaking dated 3.10.2017 given by them in pursuance of the order dated 29.9.2017. It is categorically observed that if the applicants having failed to comply with the undertaking, the interim protection is liable to be vacated. The record indicates that at the request of the learned Senior Counsel appearing for the applicants the Court did not vacate the interim relief on that day and granted indulgence to the applicants to comply with the undertaking given earlier thereto. By a subsequent order dated 20.12.2017 on an apprehension being expressed by the learned counsel appearing for the intervenor this Court had directed the applicants to deposit their passports on or before 5.00p.m. of 25.12.2017.

2) The learned APP on instructions submitted that it is only the applicant Diipesh Bhagtani has deposited his passport

with the Investigating agency and the other two applicants have failed to comply with the said order. The record further indicates that the Dy. Commissioner of Police Economic Offences Wing has submitted a report in that behalf.

The learned APP on instructions further submitted that as per the investigation carried out till date, it is revealed that, 2579 depositors have been duped to the tune of Rs.425 Crores by the applicants.

3) Undoubtedly the allegations against the applicants are serious in nature. Be that as it may, the applicants having failed to comply with their solemn undertaking given to this Court and failed to deposit any amount does not deserve to be further protected by interim relief. It appears that the applicants have given the said undertaking dated 3.10.2017 only with a view for continuation of interim relief granted on 1.9.2017 and procured time in that behalf. This cannot be countenanced. As noted earlier, the applicants having failed to comply with their solemn undertaking, this Court is not inclined to continue the interim relief granted by Order dated 1.9.2017. In view thereof Interim relief stands vacated forthwith. As a consequence thereof, the applications for anticipatory bail are dismissed.

4) In view of dismissal of anticipatory bail applications the intervention applications do not survive and are accordingly disposed off.

(A.S. GADKARI, J.)