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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1073 OF 2018

IN

ANTICIPATORY BAIL APPLICATION NO.1964 OF 2016

Lal Ghanshani ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Mr.Sanjay P.Shinde for the applicant

Mr.A.R.Kapadnis, APP for the respondent.

CORAM: PRAKASH D. NAIK, J.

DATE : SEPTEMBER 28, 2018

P.C.:-

This is an application for modification of the order dated June 29, 2018 passed by this Court in Anticipatory Bail Application No.1964 of 2016.

2. The applicant had preferred the aforesaid application seeking anticipatory bail in C.R.No.239/2016. The co-accused Manisha Ravindra Jadhav had also preferred Anticipatory Bail Application No.1962. Both the applications were heard together

and decided by this Court vide order dated June 29, 2018 and the applications were allowed. The learned advocate representing the applicants in both the said applications submitted that the applicants are jointly and severally ready and willing to deposit a sum of Rs.2 crores in the Registry of this Court with a view to prove their *bona fides* and without prejudice to their rights and contentions. The undertaking executed by the present applicant and the applicant in the other applications were tendered giving schedule of deposit of the said amount of Rs.2 crores in the Registry of this Court.

3. In pursuance to the order dated June 29, 2018, applicant deposited an amount of Rs.50 lakhs (Rupees twenty lakhs by cheque and Rupees thirty lakhs by demand draft), He again deposit an amount of Rs.50 lakhs. Thus, the applicant had deposited an amount of Rs.1 crores out of the said amount of said Rs.2 crores. It is submitted that the said amount was deposited by the applicant and not by the co-accused. The undertaking filed by the applicant however stipulated that the applicant along with co-accused jointly undertake to deposit a sum of Rs.2 crores. During

the hearing of this application, the present applicant had preferred an application seeking modification of the order dated June 29, 2018 with a direction that the amount deposited by the applicant be considered as a compliance of the aforesaid order as co-accused had also filed such undertaking. However, during the course of pendency of this application, the applicant had filed an undertaking executed on September 27, 2018 wherein it was stated that he had showed his *bona fides* and without prejudice to his rights, the applicant had deposited three instalments of Rs.1 crores and Rs.50 lakhs as per the undertaking. It was further stated that the applicant undertakes to deposit the last instalment / balance amount of Rs.50 lakhs on before November 2, 2018. It was further stated that in case of default in payment of the amount of Rs.50 lakhs on November 2, 2018, the anticipatory bail granted to the applicant shall stand cancelled for non compliance of the said undertaking. The applicant, therefore, prays that he may be allowed to deposit the balances amount of Rs.50 lakhs on or before November 2, 2018. The said undertaking is taken on record and marked 'X' for identification.

4. In the aforesaid circumstances, the applicant is

permitted to deposit Rs.50 lakhs on or before November 2, 2018 in the Registry of this Court in compliance with the order dated June 29, 2018. On deposit of the said amount, the undertaking executed vide order June 29, 2018 will stand complied.

O R D E R

- (i) In accordance with the undertaking dated September 27, 2018, the applicant is permitted to deposit a sum of Rs.50 lakhs in the Registry of this Court on or before November 2, 2018;
- (ii) On depositing the amount of Rs.50 lakhs in the Registry on or before November 2, 2018, the undertaking executed in accordance with the order dated June 29, 2018 will stand complied;
- (iii) In case of non compliance of the undertaking dated September 27, 2018, the anticipatory bail granted to the applicant by this Court on June 29, 2018 shall stand cancelled;
- (iv) The application stands disposed of in above terms.

(PRAKASH D. NAIK, J.)