

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2296 OF 2017

Joginder R.Rajak vs. The State of Maharashtra and anr.

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. N. Mundergi i/by Santosh Bhamare for the Applicant.

Mr. S.S.Hulke, APP for the Respondent-State.

Mr. Rajesh Gupta present.

CORAM :A.S.GADKARI, J.

DATE : 15th June, 2018

P.C.

1. This is an application under Section 439 of the Code of Criminal Procedure for bail in CR No.I 253/2016 dated 23.8.2016 registered with Kapurbawadi Police Station,Thane under Sections 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code.

2. It is the allegation against the applicant that the applicant despite accepting a sum of Rs.21,13,500/- towards the sale of room No.404, situated in Sai Siddhi Apartment at Kapurbawadi, Thane did not gave its possession to the first informant/respondent No.2 and sold the said flat to third person by name Shri. Ramchandra S. Dere. In pursuance of the deliberation took taken place in the Court on earlier occasion the applicant has filed an affidavit cum undertaking dated

14.6.2018 in this Court. It is stated that the applicant is ready and willing to pay the entire amount of Rs.21,13,500/- to the first informant-Mr. Rajesh Gupta. He has stated that before his actual release from Jail he will pay the first instalment of Rs.6,13,500/-to the first informant and the balance amount of Rs.15,00,000/- will be paid to the informant in three equal instalments of Rs.5,00,000/-each within three months. Undertaking is taken on record and marked "X" for identification. The said undertaking is accepted. Mr. Gupta is also present in Court. The period to pay the said amount will not be extended on any count and if the applicant commits any single default, the bail granted by this Court shall stand automatically cancelled without further reference to the Court.

3. Hence, the following order.

a) The applicant be released on bail in CR No. I-253-2016 dated 23.6.2016 registered with Kapurbawadi Police Station, Thane on his furnishing PR bond of Rs.25,000/-with one or two solvent local sureties in the like amount.

b) It is abandonmently made clear that, before his actual release from Jail the applicant shall pay Rs.6,13,500/- to the first informant Rajesh Gupta. Same is the condition precedent for actual release of the applicant from Jail.

- c) After his release from Jail, the applicant shall attend the Kapurbawadi Police Station on every first Monday of the month between 11.00 a.m. and 2.00 p.m. till the conclusion of the trial.
- d) The applicant shall also attend all the dates before the Trial Court unless precluded on medical reasons.
- e) Any two consecutive defaults in complying with the aforestated conditions will attract the provisions for cancellation of bail.
- f) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- g) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)