

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2440 OF 2017

Vijay J. Tribhunvan vs. State of Maharashtra

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. Leela Ranga for the applicant.

Mr. R.M.Pethe, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.

DATE : 22nd February, 2018

P.C.

1. This is an application under Section 439 of the Cr.P.C. for bail in CR No. 40/2016 dated 17.5.2016 registered with Sewree Police Station, Mumbai under Sections-420 read with 34 of the Indian Penal Code.
2. Heard the learned counsel for the applicant and the learned APP for the State. Perused the charge sheet.
3. It is the prosecution case in brief that, the applicant along with two other accused persons represented the first informant that the accused persons will make available finance of Rs.100.00 Crores to the company of the first

informant and induced him to pay a sum of Rs.1,12,50,000/- as their charges for it. That the actual persons neither made available the said finance nor returned the amount accepted by them. In the premise, the present crime is registered. During the course of investigation, the applicant came to be arrested on 29.7.2017 and after completion of investigation the police have submitted charge sheet.

4. During the course of arguments, the learned APP on instructions submitted that the applicant has received the proceeds of crime to the tune of Rs.18.00 lakhs.

The learned counsel for the applicant therefore, on instructions submitted that with a view to prove his bonafide and without prejudice to his rights and contentions, the applicant is ready and willing to deposit the said sum of Rs.18,00,000/- in the registry of this Court within a period of six months from today. It was further submitted that before coming out of the Jail, the applicant will deposit a sum of Rs.5,00,000/- . In pursuance of the said statement of the learned counsel for the applicant, the

applicant has filed on record an affidavit dated 20.2.2018 duly affirmed by the applicant before the Senior Jailer, Mumbai Central Prison, Mumbai thereby undertaking to deposit the said amount in the registry of this Court as per the schedule mentioned in Para 4 of the said affidavit. The affidavit in detailed enumerates the schedule of payment to be deposited in the registry of this Court by the applicant. The undertakings given in the affidavit are accepted as undertakings given to this Court. The said affidavit is taken on record and marked "X" for identification.

5. In view of the affidavit cum undertakings filed by the applicant and without going into the merits of the matter, the applicant can be released on bail.

Hence, the following order.

- a) The applicant be released on bail in CR No. 40/2016 dated 17.5.2016 registered with Sewree Police Station, Mumbai on his furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.
- b) Before his release from Jail, the applicant shall deposit the first instalment of Rs.5,00,000/- in the registry

of this Court.

c) In case of any single default by the applicant in deposit of the said amount in the registry of this Court as stated in the affidavit 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.

d) It is made clear that no extension for deposit of the said amount will be granted on any count.

e) After his release from the Jail, the applicant shall attend the concerned Police Station on every first Monday of the month between 11.00 a.m. to 1.00 p.m. till the conclusion of the trial.

f) The applicant shall attend all the dates before the Trial Court unless precluded on medical reasons.

g) Any two consecutive defaults in complying with the afore stated conditions will attract the provisions of cancellation of bail.

h) The applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.

- i) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)