

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

**ANTICIPATORY BAIL APPLICATION NO. 2586 OF 2018
WITH
ANTICIPATORY BAIL APPLICATION NO. 2544 OF 2018**

Vishal Belapurkar	... Applicant
Vs.	
State of Maharashtra	... Respondent

...

Mr. Sameer Banerjee I/by Mr. Waquar Ahmad for the applicant.
Mr. S.R. Agarkar, APP for the Respondent-State.
Mr. Vijay Rane, PSI is present.

...

**CORAM : PRAKASH D. NAIK, J.
DATE : 18th DECEMBER, 2018.**

P.C.

1. Applicants have preferred these applications for anticipatory bail under Sections 438 of Code of Criminal Procedure seeking bail in CR No. 248 of 2016 registered with N.M. Joshi Marg Police Station vide and CR No. 234 of 2016 registered with same police station. The offences were registered under Sections 409, read with 34 of Indian Penal Code and Section 14A of Provident Fund Act.

2. Learned counsel for the applicant submitted that in respect to both the case the defaulted Provident Fund amount is Rs.1,25,29,627/-. The applicant is willing to deposit the said

amount within a period of 12 weeks from today.

3. Learned APP submitted that the amount mentioned by the applicant is a principal amount and the Provident Fund Office is entitled to recover the interest and penalty thereon. Learned counsel for the applicant submits that without prejudice to the right of the complainant to claim the interest and penalty, the applicant is willing to deposit the aforesaid principle amount. Learned counsel for the applicant tendered the affidavit of undertaking filed on behalf of the applicant wherein it is mentioned that the applicant undertake to pay the amount of Rs.48,50,282/- and Rs.76,79,335/- in respect to both the claims which are subject matter of both the cases within a period of twelve weeks. The affidavit of undertaking is taken on record and marked "X" and "X-1" respectively.

ORDER

- i. Anticipatory Bail Application No. 2568 of 2018 and Anticipatory Bail Application No. 2544 of 2018 are allowed.
- ii. In the event of arrest of applicant in connection with CR No. CR No. 248 of 2016 and CR No. 234 of 2016 registered with N.M. Joshi Marg Police Station, the applicant be released on bail on furnishing surety in the sum of Rs.25,000/- with one or more

surety in the like amount.

- iii. Applicant shall abide the affidavit of undertaking.
- iv. In the event of breach of undertaking, the prosecution will be at liberty to prefer an application for cancellation of anticipatory bail or to initiate any appropriate action.
- v. The undertaking is accepted without prejudice to the claim of both the parties in respect of interest and penalty thereon.
- vi. Both Anticipatory Bail Applications stand disposed off.

(PRAKASH D. NAIK, J.)