

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION (BA) NO.213/2016**

Vijay s/o Chudaman Marathe ..vs.. The State of Maharashtra through PSO  
P.S. Durgapur, Dist. Chandrapur.

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.

Court's or Judge's orders.

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Mr. S. V. Sirpurkar, Advocate for applicant.  
Mr. T. A. Mirza, A.P.P. for non applicant-State.

**CORAM : V.M. DESHPANDE, J.**

**DATED : JANUARY 11, 2018**

1. Heard Mr. S. V. Sirpurkar, Advocate for applicant  
and Mr. T. A. Mirza, A.P.P. for non applicant-State.

2. The applicant was arrested in connection with  
Crime No.83/2014 registered with Police Station, Durgapur,  
Dist. Chandrapur for an offence punishable under Sections  
420, 467, 438, 417, 109, 201 of the Indian Penal Code read  
with Section 3 of the Maharashtra Protection Of Interest Of  
Depositors Act and Section 138 of the Negotiable  
Instruments Act.

3. This Court vide order dated 26.07.2016 (Coram:  
P. B. Varale, J.) by a detailed order granted temporary bail  
to the applicant on certain conditions.

4. Accordingly, as per the contention of Mr.  
Sirpurkar, learned counsel for the applicant, the applicant

has deposited Rs.25,00,000/- as directed by the said order and also deposited further Rs.20,00,000/- as directed by order dated 26.10.2016. The applicant was thus released on temporary bail.

5. The application was placed before me for further consideration on 14.08.2017. On the said date, an order was passed that in order to show bona fides, the applicant shall further deposit Rs.20,00,000/- within two months in installments and it was made clear that no application for extension will be considered by the Court and if the amount of Rs.20,00,000/- is not deposited within two months, the order granting temporary bail in favour of the applicant shall stand cancelled automatically.

6. Mr. Sirpurkar, learned counsel for the applicant, submitted that order dated 14.08.2017 (Coram: V. M. Deshpande, J.) was questioned by him before the Hon'ble Apex Court and the Hon'ble Apex Court, vide order dated 06.12.2017 has dismissed the Special Leave Petition. Copy of the said order is taken on record and marked "X" for identification.

7. In the meanwhile, the matter was placed on 04.12.2017 and on the said day, it was pointed out to the Court (Coram: A.S. Chandurkar, J.) that the amount of Rs.20,00,000/- is not deposited however the applicant is awaiting orders from the Hon'ble Apex Court. Today, when

the matter was called out, Mr. Sirpurkar, learned counsel for the applicant submits that the applicant is unable to deposit Rs.20,00,000/-.

8. In view of these submissions and in view of the order passed by me on 04.08.2017, the temporary bail granted to the applicant is already cancelled by efflux of time as stated in the said order. Till today, the applicant has not surrendered.

The applicant is directed to surrender within three days from today. The investigating officer is directed to apprehend the applicant to face the course of law and place the compliance report before this Court on 22.01.2018.

The application stands disposed of.

**JUDGE**