

Anand

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

BAIL APPLICATION NO. 74 OF 2019

Yashpal Singh Sakhala

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. Aashutosh P. Srivastava, Advocate, for the Applicant

Mrs. P. P. Shinde, APP, for the Respondent – State

Mr. D. E. Gode, Kolsewadi Police Station, Kalyan, Thane present

CORAM : REVATI MOHITE DERE, J.

DATE : 18.10.2019

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. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. I-145 of 2018 registered with the Kolsewadi Police Station, Kalyan, Thane, for the alleged offences punishable under Sections 420, 406 r/w 34 of the Indian Penal Code.

3. Learned counsel for the Applicant without going into the merits had filed an Affidavit of the Applicant without prejudice to his rights & contentions. In the said Affidavit dated 10.10.2019, the Applicant without prejudice to his rights & contentions had agreed to deposit an amount of Rs. 23,40,000/- in the Registry of this Court i. e.

Rs. 6,00,000/- prior to his release and the balance amount of Rs. 17,40,000/- within three months from the date of his release. The Applicant also has filed an Additional Affidavit dated 16.10.2019 stating therein that if he failed to abide by the Affidavit i. e. if he failed to deposit the amount as mentioned above, his bail be cancelled. He has also undertaken to abide by the conditions that may be imposed by this Court.

4. Having regard to both the Affidavits dated 10.10.2019 and 16.10.2019 & without going into the merits of the Application, the Application is allowed on the following terms & conditions :-

ORDER

(i) The Applicant be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 25,000/-** with one or more local sureties in the like amount;

(ii) The Applicant shall deposit Rs. 6,00,000/- in the Registry of this Court prior to his release and the balance amount of Rs. 17,40,000/- in the Registry of this Court within three months from the date of his release;

(iii) The Applicant shall report to the investigating officer of the concerned police station on the **first and third Saturday of every month** between **10.00 a. m. and 11.00 a. m.**, till the entire payment is deposited;

(iv) If the Applicant fails to deposit the amounts mentioned hereinabove, the prosecution / complainant is at liberty to file an Application for cancellation of the Applicant's bail;

(v) The Applicant shall not leave Mumbai / Thane City without prior permission of this Court till such time, the payments shall be made as stated in the aforesaid Affidavits;

(vi) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(vii) The Applicant to co-operate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;

(viii) The Applicant shall file an undertaking with regard to Clauses (ii) to (vii) in the trial Court, within two weeks of his release;

(ix) If there are two consecutive defaults either in attending the Police Station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the observations made herein are

prima facie, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

7. Stand over to **11.02.2020** “*For recording compliance of the deposit*”.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)