

Anand

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

BAIL APPLICATION NO. 80 OF 2019

1. Amar Baba Jadhav .Applicants
2. Akash Baba Jadhav

Vs.

The State of Maharashtra & anr. .Respondents

Mr. Ramprasad V. Gupta, Advocate, for the Applicants
Ms Veera Shinde, APP, for the Respondent No. 1 – State
Mr. J. S. Yadav, Advocate, for the Respondent No. 2 / Intervenor

CORAM : REVATI MOHITE DERE, J.

DATE : 08.08.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicants seek their enlargement on bail in connection with C. R. No. I-621 of 2017 registered with the Kolsewadi Police Station, Kalyan, for the alleged offences punishable under Sections 406, 420 r/w 34 of the Indian Penal Code.

3. Learned counsel for the Applicants has tendered an Affidavit of the Applicants undertaking to deposit Rs. 2,25,000/- each in the trial Court, without prejudice to their rights and contentions. The

said Affidavit is taken on record and marked as “X” for identification. It is stated that after their release from jail within one month, they will deposit Rs. 2,25,000/- each in the trial Court, without prejudice to their rights, and the balance amount, after a gap of one month, after the first deposit of Rs. 4,50,000/- i. e. Rs. 2,25,000/- each. Learned counsel for the Applicants submits that the Application filed by the Applicants’ parents i. e. B. A. No. 2256 of 2019 be heard after the first deposit is made by the aforesaid Applicants.

4. According to the prosecution, the Applicants alongwith their parents were running a chit fund and by taking money from 30 persons cheated all of them, for an amount of Rs. 9,66,000/-.

5. Without going into the merits, having regard to the Affidavit filed by the Applicants that they will deposit the money as stated in the Affidavit, the Application is allowed and the Applicants are enlarged on bail on the following terms & conditions :-

ORDER

(i) The Applicants be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 10,000/- each** with one or two sureties in the like amount;

- (ii) The Applicants shall attend the concerned police station on the **first Saturday of every month** between **10.00 a. m. and 11. 00 a. m.** until further orders;
- (iii) The Applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (iv) The Applicants shall deposit an amount of **Rs. 2,25,000/- each** in the Registry of the trial Court within one month from the date of their release and the balance amount again within four weeks thereafter;
- (v) The Applicants shall not apply for withdrawal of the amount deposited by them, till the conclusion of the trial;
- (vi) The Applicants to co-operate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;
- (vii) The Applicants shall file an undertaking with regard to Clauses (ii) to (vi) in the trial Court, within two weeks of their release;
- (viii) 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 Applicants' bail.
- (ix) It is made clear, that if there is non-compliance of the

undertaking given by the Applicants, the Applicants will not only be liable for contempt but the non-compliance, will also give rise to cancellation of their bail.

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

7. 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.

8. The matter be listed on **13.09.2019** '*For recording compliance of the first deposit*'.

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

(REVATI MOHITE DERE, J.)