

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

**CRIMINAL APPLICATION NO. 227 OF 2019
IN
BAIL APPLICATION NO. 1971 OF 2017**

Avinash Bhosale	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Murtuza Najmi, Mr. Pritesh A. Burad, Mr. Akash Pamnani for the Applicant.
Ms. A.A. Takalkar, A.P.P. for the Respondent – State.

CORAM : P.N. DESHMUKH, J.

DATED : 18th MARCH, 2019.

P.C. :

1 At the outset learned Counsel for the applicant orally seeks leave to amend the amount of 4th installment as stated in sub-clause-b of para No.3 of his affidavit dated 06.08.2018. It is submitted that the total amount involved in the present crime is Rs.11,60,42,100/- and on making payment of initial deposit of Rs.7 lakhs and first three installments of Rs.1.5 Cr. with Rs.2 Cr. and 3rd installment of Rs.3 Cr., the balance amount of 4th installment though comes to Rs.5,03,42,100/-, due to typographical error, the amount of 4th installment is stated as Rs.4,40,42,100/-. In that view of the matter leave as prayed is allowed. Amendment to be carried

out forthwith by substituting amount of Rs.4,40,42,100/- with amount of **‘Rs.5,03,42,100/-’** as amount of 4th installment.

2 This application is by accused who is released on bail on conditional order passed by this Court on 10.08.2018 submitting that he be granted liberty to deposit amount as shown in his affidavit on record and undertakes to abide by further conditions as already imposed by this Court.

3 Perusal of applicant’s affidavit dated 06.08.2018 on the basis of which this Court passed order dated 10.08.2018 releasing him on bail would reveal that after making initial payment of Rs.7 lakhs with the registry of this Court, before his release on bail, applicant had undertook to deposit Rs.1.5 Cr. within a period of six months from his release. The applicant is released on bail on 21.08.2018. As such was required to deposit Rs.1.5 Cr. as per his affidavit on or before 21.02.2019. However, applicant could not paid said amount for want of funds which he was likely to generate on obtaining Government subsidy, which amount is likely to be received by applicant by first week of April, 2019. Applicant thus, prays that he shall pay both the installments i.e. Rs.1.5 Cr. and Rs.2 Cr. now on or before 21.04.2019 and shall abide by further installments as stated in the affidavit.

4 Considering the fact that this Court without going into the merits of the application, having considering bonafides of applicant, since had released him on bail by passing above stated conditional order, application is liable to be allowed thereby allowing applicant to deposit both the installments as shown in the clause-b of para 3 of his affidavit of Rs.1.5 Cr. and Rs.2 Cr. together on or before 21.04.2019 and shall make further payment of Rs.3 Cr. within two months from 21.04.2019 and further payment of 4th installment of Rs.5,03,42,100/- within two months from the 3rd installment as last chance.

5 Application stands disposed of as allowed in above terms .

(P.N. DESHMUKH, J.)