

Anand

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

**CRIMINAL APPLICATION NO. 582 OF 2019
IN
BAIL APPLICATION NO. 3330 OF 2018**

Saket Ashok Dixit .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr. Dilip H. Shukla i/b. Mr. M. P. Mishra, Advocate, for the Applicant
Mrs. P. P. Shinde, APP, for the Respondent No. 1 – State
Mr. Ajit S. Hodage i/b. Mr. Manish Singh, Advocate, for the Respondent
No. 2

CORAM : REVATI MOHITE DERE, J.

DATE : 27.06.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks extension of time to deposit a sum of Rs. 22,80,000/- within a period of four months or within such time, as this Hon'ble Court may deem fit and proper.

3. Perused the papers. Vide order dated 14.01.2019, this Court (Coram : Prakash D. Naik, J.) was pleased to enlarge the Applicant on bail in view of the statement made by the learned counsel for the

Applicant, that he would deposit a sum of Rs. 27,80,000/- within a period of four weeks from the date of his release. It appears that the Applicant was enlarged on bail in view of the statement made by him and not on merits. Clauses (iii) & (iv) of the said order read thus :-

“(iii) Applicant shall deposit an amount of Rs. 27,80,000/-, within a period of four weeks from the date of his release;

(iv) In the event there is breach in depositing the amount, the bail shall stand cancelled.”

4. The Applicant, admittedly, did not deposit the said amount within the period of four weeks from the date of his release as directed by this Court vide order dated 14.01.2019. It appears that as the Applicant deposited only Rs. 5,00,000/- within the said period, the Applicant preferred an Application for extension of time to deposit the balance amount of Rs. 22,80,000/-. This Court vide order dated 25.02.2019 granted extension of six weeks to the Applicant to deposit the balance sum of Rs. 22,80,000/-.

5. Learned counsel for the Applicant has tendered an undertaking of the Applicant, wherein the Applicant has undertaken without prejudice to his rights and without admitting his liability, to

deposit a sum of Rs. 27,80,000/-. It appears that out of the said Rs. 27,80,000/-, the Applicant has deposited a sum of Rs. 5,00,000/- in the Registry of the Chief Metropolitan Magistrate's Court, Mumbai on 25.02.2019. According to the Applicant, due to unavoidable circumstances and financial constraints, he was unable to deposit the said amount and hence, the request for extension of time. Today, learned counsel for the Applicant has brought a Demand Draft drawn on Axis Bank, Mira Road, Mumbai for Rs. 10,00,000/- and has undertaken to deposit the said amount in the Registry of the Chief Metropolitan Magistrate's Court, Mumbai forthwith. He has also undertaken to make payment of the balance amount of Rs. 12,80,000/- in three equal instalments i. e. first instalment of Rs. 4,26,667/- within two weeks from today i. e. **on or before 15.07.2019**; second instalment, within two weeks thereafter i. e. **on or before 29.07.2019** and the third instalment within three weeks after the second instalment is deposited i. e. **on or before 19.08.2019**. How the amounts would be deposited, has been set out in para 6 of the Affidavit-cum-undertaking. The Applicant has further stated that in case, there is default on his part to comply with the deposit, clause (iv) of the order dated 14.01.2019 would come into effect i. e. The Applicant's bail shall stand cancelled. Learned counsel for the Applicant states that the Applicant will not file any Application

seeking withdrawal of the amount so deposited by him in the Registry of the Chief Metropolitan Magistrate's Court. Statement accepted.

6. Only by way of indulgence and last chance, time is granted in view of the undertaking given by the Applicant. It is made clear, that no further extension will be granted. The Applicant to deposit the Demand Draft of Rs. 10,00,000/- in the Registry of the Chief Metropolitan Magistrate's Court **on or before 02.07.2019**. All the other instalments also to be deposited in the Registry of the Chief Metropolitan Magistrate's Court as stated aforesaid. Time is accordingly extended as stated hereinabove.

7. The Application is disposed of on the aforesaid terms.

8. The matter to be listed on **03.07.2019** for recording compliance of the first deposit of Rs. 10,00,000/-.

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

(REVATI MOHITE DERE, J.)