

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

CRIMINAL BAIL APPLICATION NO. 1224 OF 2019

Prernaa Virendrakumar Arora	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

**WITH
CRIMINAL APPLICATION NO. 745 OF 2019
IN
CRIMINAL BAIL APPLICATION NO. 1224 OF 2019**

M/s.Pooja Entertainment and Films Limited	...	Intervenor
<u>In the matter between :-</u>		

Prernaa Virendrakumar Arora	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

Mr.S.R. Borulkar a/w. Mr.Abbas Zaidy i/b. Mr.Z.H. Zaidy for Applicant.
Mr.Amit Palkar, A.P.P. for Respondent-State.
Mr.Adhithya Iyer a/w. Zoya Sayed for Intervenor.
Mr.Virendrakumar Arora, father of the applicant is present.

CORAM : A.S. GADKARI, J.

DATE : 3rd May 2019.

P.C. :

1] This is an application under Section 439 of the Code of Criminal Procedure for bail in connection with C.R. No. 316 of 2018 dated 14/07/2018 registered with Juhu Police Station, Mumbai, for the offence punishable under Section 420, 120(B) read with 34 of the Indian Penal Code.

2] Heard the learned counsel for the applicant, the learned counsel for the informant and the learned APP for the State. Perused the chargesheet.

3] The first information report is lodged by Mr.Nagesh Vaidikar, Production Manager, employed with M/s.Pooja Films Company.

The applicant along with other persons is Director of KriArj Entertainment Private Limited.

The prosecution case in nutshell is that, the applicant by giving promise to the informant's company that, she will give them benefits from the distribution of two films mentioned in the FIR induced the informant's company to part with an approximate amount of Rs.31.6 crores. It is alleged that, after receipt of payment, the applicant did not complied with her part of obligation and has defalcated the said amount.

4] The learned counsel for the applicant submitted that, there is a civil litigation pending on the Original Side of this Court amongst the interested parties herein. He further submitted that, M/s.Sony Entertainment Company has accepted liability of approximately Rs.9 crores on behalf of the applicant's company to be paid to M/s.Pooja Films Company.

5] During the course of arguments, the learned counsel for the applicant, on instructions, submitted that, with a view to prove her bonafide and without prejudice to her rights and contentions, the applicant is ready and willing to deposit a sum of Rs.20 crores in the Registry of this Court, as per the schedule dated 3rd May 2019 annexed along with 'Affidavit cum Undertaking' dated 3rd May 2019 by the father of the applicant. He tendered across the bar an 'Affidavit cum Undertaking' duly affirmed by the father of the applicant, namely, Mr.Virendrakumar Arora along with the schedule of payment to be deposited in the Registry of this Court. The said 'Affidavit cum Undertaking' is taken on record.

6] As per the said schedule, the applicant will deposit the first installment of Rs.50,00,000/- in the Registry of this Court on or before

7th May 2019 and the last installment of Rs.3,00,00,000/- will be deposited on or before 20th June 2020. The statement made by the father of the applicant, by name, Mr. Virendrakumar Arora, along with the schedule of payment is accepted as undertaking given to this Court. It is made clear that, before the actual release of the applicant from jail, the applicant will have to deposit the first installment in the Registry of this Court and a receipt thereof shall be produced before the Superintendent of Byculla Central Womens Prison at the time of her release from jail.

The Superintendent of Byculla Central Womens Prison shall take on record the said receipt and thereafter, shall effect the actual release of the applicant from jail.

7] It is made clear that, the period to deposit the installment as mentioned in the said schedule will not be extended on any count, as the father of the applicant has given the said schedule willingly by accepting the liability on behalf of his daughter. It is submitted that, the applicant has given authority to her father in that behalf. It is made clear that, in case of non deposit of payment on scheduled date as per the scheduled annexed, the first informant will be at liberty to file an

application for cancellation of bail before this Court.

8] In view of the above and without entering into the merits of the matter the applicant can be released on bail.

Hence, the following order :-

- (i) The Applicant be released on bail in C.R. No. 316 of 2018 dated 14/07/2018 registered with Juhu Police Station, Mumbai, on her furnishing P.R. bond of Rs.20,000/- with one or two solvent local sureties in the like amount and after producing receipt of deposit of first installment of Rs.50,00,000/-.
- (ii) Before her release from Jail, the applicant shall deposit her passport with the concerned Police Station.
- (iii) After her release from Jail, the applicant shall attend all the dates before the trial Court, unless exempted by the concerned Court.
- (iv) In case of two consecutive defaults, the Prosecution is at liberty to file an application for cancellation of bail.
- (v) Applicant shall not tamper with the evidence and/or interfere with the process of investigation.

- (vi) Applicant shall not leave India without prior permission of the trial Court.
- (vii) Bail Application is allowed in the aforesaid terms.

9] In view of disposal of the Bail Application, Intervention Application being Criminal Application No. 745 of 2019 does not survive and is, accordingly, disposed off.

[A.S. GADKARI, J.]