

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1390 OF 2019

Kalpesh Naresh Pandya .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr. M. K. Kocharekar i/b. Mr. Sufian, Advocate, for the Applicant
Mr. A. R. Kapadnis, APP, for the Respondent – State
Mr. Amit Gharate, Advocate, for the Intervenor

CORAM : REVATI MOHITE DERE, J.

DATE : 23.07.2019

P.C.

. Heard learned counsel for the Applicant.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C. R. No. 152 of 2019 registered with the L. T. Marg Police Station, Mumbai, for the alleged offence punishable under Section 408 of the Indian Penal Code.

3. Learned counsel for the Applicant states that the Applicant without prejudice to his rights and contentions is ready to deposit Rs. 16,00,000/- in the Registry of this Court. Learned counsel for the

Applicant has tendered an Affidavit of the Applicant dated 23.07.2019. The said Affidavit is taken on record and marked as “X” for identification. The Applicant is present in person. In the said Affidavit, the Applicant has undertaken to deposit Rs. 16,00,000/- in this Court, subject to outcome of the case. He has further stated that he will deposit Rs. 2,00,000/- in 8 instalments, within two months from today. Statement accepted. He has also undertaken not to commit any default in depositing the said instalments. Learned counsel for the Applicant has brought a Demand Draft of Rs. 2,00,000/- drawn in the name of the Registrar, High Court, Bombay.

4. Without going into merits and in view of the undertaking given by the Applicant that he is ready to deposit Rs. 16,00,000/- in this Court, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions :-

ORDER

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

(ii) The Applicant shall report to the investigating officer of the concerned police station on **29th, 30th & 31st July, 2019** between

10.00 a. m. and 12.00 noon and thereafter, **as & when called for** by the investigating officer;

(iii) The Applicant shall co-operate with the investigation;

(iv) The Applicant shall deposit the Demand Draft drawn in the name of the Registrar, High Court, Bombay totaling Rs. 16,00,000/- within two months, in a 8 instalments;

(v) Registry to accept the first Demand Draft of Rs. 2,00,000/- within one week from today;

(vi) It is made clear, that if there is any default in making the payment of Rs. 16,00,000/-, 2 lakhs in 8 instalments, within 2 months from today, as stated in Clause (2) of the Affidavit-cum-undertaking, the bail of the Applicant shall stand cancelled automatically.

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 are confined to this Application.

7. Stand over to **20.08.2019** “*For recording compliance of the deposit as mentioned in the Affidavit*”.

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

(REVATI MOHITE DERE, J.)