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

ANTICIPATORY BAIL APPLICATION NO. 1381 OF 2018

Prashant Gaurhari PatnaikApplicant

V/s.

The State of Maharashtra and anotherRespondents

Mr. Owais Anwar Pechkar advocate for the applicant

Ms. S. S. Kaushik APP for the State

Mr. Mahendra Agavekar for respondent no. 2

Mr. D. B. Mohite, PSI, EOW, Nashik Rural

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 22, 2019.

P.C.

In Crime No. 241/016 registered with Nandgaon Police Station, Dist. Nashik for offence punishable under Sections 465, 467, 468, 471, 452, 341, 323, 504, 506, 120-B r/w 34 of the Indian Penal Code, applicant is seeking pre-arrest bail.

2 On 24/07/2018, this Court while granting Ad-interim protection considered the allegation of acceptance of Rs. 41,00,000/- by the applicant and his assurance/undertaking to deposit amount

of Rs. 15,00,000/- and balance amount of rs. 26,00,000/- within short time.

3 It appears that accused-applicant has deposited amount of Rs. 15,00,000/- immediately after the Ad-interim order was passed in his favour, however, the matter was adjourned at his behest time and again so as to enable him to deposit balance amount of Rs. 26,00,000/- in this Court.

4 Since the applicant has neither co-operated in the investigation nor deposited the balance amount of Rs. 26,00,000/- as assured before this Court, the learned APP requested that the accused-applicant be directed to remain present before this Court during the course of hearing of the application on merits. As such, matter has come up before this Court.

5 Apart from the fact that assurance/undertaking given to this Court on 24/07/2018 of deposit of Rs. 26,00,000/- is not honoured, applicant is not present before this Court pursuant to the order dated 08/01/2019 directing him to remain present pursuant to the request of APP as provided in State Amendment to Section 438 of

Code of Criminal Procedure, 1973

6 The learned counsel for the applicant insisted that the Court should pass order on merits of the matter.

7 Perusal of F.I.R. and other material on the record *prima facie* reflects that assuring payment by taking recourse to illegal means, present applicant has accepted the amount of more than Rs. 40,00,000/- in the account. The record shows that there is sufficient material to infer that acceptance of the amount by the applicant and not honouring the promise. The very object of granting admission by illegal means by itself speaks of criminal mind of the applicant.

8 For the aforesaid reasons, application is rejected.

9 The amount of Rs. 15,00,000/- deposited in this Court be made over to Investigating Officer of the crime in question so that the same can be treated as the amount seized in the crime in question.

[NITIN W. SAMBRE, J.]