

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1465 OF 2019**

Krushna Walku Mahalunge	...Applicant
Versus	
State of Maharashtra	...Respondent

**WITH
CRIMINAL APPLICATION NO. 1109 OF 2019
IN
CRIMINAL BAIL APPLICATION NO. 1465 OF 2019**

Kamlesh Jivan Kunder	...Intervener
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IN THE MATTER BETWEEN :

Krushna Walku Mahalunge	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr. Kabul Singh Labana for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent-State

Mr. A. K. Chauhan for the Intervenor in APPP/1109/2019

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 1st AUGUST 2019

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail
in connection with C.R. No. I-450 of 2018 registered with the Shahpur

Police Station, for the alleged offences punishable under Sections 420, 265, 468, 471 of the Indian Penal Code.

3 Learned counsel for the applicant, at the outset, states that the applicant does not dispute his liability to pay the complainant an amount of Rs. 18,75,000/-. Learned counsel has tendered an affidavit of the applicant dated 29th July 2019 affirmed before the Superintendent, Taloja Central Jail, Navi Mumbai. The said affidavit is taken on record and marked 'X' for identification. In the said affidavit, the applicant has undertaken in para 4 to deposit the said amount of Rs. 18,75,000/- in five tranches. Today, learned counsel for the applicant has brought a demand draft of Rs. 7,00,000/- drawn in the name of the Registry, High Court, Bombay. The applicant has undertaken to deposit the balance amount as follows :

1	Rs. 3,00,000/-	On or before 30 th August 2019
2	Rs. 3,00,000/-	On or before 30 th September 2019
3	Rs. 3,00,000/-	On or before 30 th October 2019
4	Rs. 2,75,000/-	On or before 30 th November 2019

The applicant has further, on affidavit, stated that in the event, there is default in making the said payment, his bail would be liable to be cancelled.

4 Learned counsel for the Intervener/complainant has tendered written arguments. The same is taken on record. Learned counsel for the complainant states that the applicant has cheated the complainant. He further submits that despite promising, even on earlier occasions, to return the said amounts, the applicant has failed to do so.

5 Having regard to the affidavit/undertaking of the applicant, without going into the merits of the application, the application is allowed on the following terms and conditions :

ORDER

- (i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- (ii) The applicant to deposit the demand draft of Rs. 7,00,000/- in the Registry of this Court on or before 7th August 2019;
- (iii) The applicant to comply with the undertaking and deposit the amounts as mentioned in para 4 of the said affidavit;

- (iv) It is made clear that if there is a single default in making the payment, the applicant's bail shall stand cancelled automatically;
- (v) The applicant shall attend the concerned Police Station on the first Saturday of every month from 10:00 a.m. to 11:00 a.m, for a period of 6 months from the date of his release;
- (vi) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- (vii) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (viii) The applicant to cooperate with the conduct of the trial and attend all the dates before the trial Court, unless exempted;
- (ix) The applicant shall not make any application for withdrawal of the amount deposited by him, till the conclusion of the trial;

(x) The applicant shall file an undertaking with regard to clauses (ii) to (ix) in the trial Court, within two weeks of his release;

(xi) If there are two consecutive defaults either in attending the Police Station or in appearing before the trial Court, or breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's bail.

6 The application is disposed of in the aforesaid terms.

7 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8 In view of the above, the intervention application being Criminal Application No. 1109 of 2019 does not survive. The same is disposed of accordingly.

9 Stand over to 30th August 2019 for recording compliance of the deposit of Rs. 7,00,000/- and Rs. 3,00,000/-.

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

REVATI MOHITE DERE, J.