

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

920 BAIL APPLICATION NO.1313 OF 2020

KAILAS ROHIDAS BARWAL
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Mahesh R Sonawane
APP for Respondent : Mr. A S Shinde
Mr V P Latange advocate for informant/assist the APP

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CORAM : V.K. JADHAV, J.
Dated: December 16, 2020

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PER COURT :-

1. Learned counsel for the applicant submits that during the pendency of the Special Case No.4 of 2017 the informant died. Learned counsel submits that on 15.12.2020 wife of the informant has accepted an amount of Rs.15.00 Lakhs (Rs. Fifteen Lakhs) by way of the Demand Draft and two cheques of Rs.5.00 Lakhs (Rs Five Lakhs) EACH. The wife of the informant has accordingly executed an agreement to that effect. Learned counsel submits that the total amount involved in connection with the present crime is Rs.40.00 Lakhs (Rs. Forty Lakhs). Prior to the registration of crime, out of the said amount, an amount of Rs.15.00 Lakhs was paid to the informant and, it has been stated so in the FIR itself. Learned counsel submits that the applicant is in jail

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in connection with the present crime since 10.8.2017 and as such, he has undergone the detention for a period of extent upto one half of the maximum period of imprisonment specified for the offence charged against the applicant. Learned counsel submits that the trial court has rejected the application of the applicant seeking bail on 28.9.2020. Thus, in view of the subsequent development as stated above, the applicant may be granted liberty to approach the Trial Court for filing an application for regular bail on the ground of change in the circumstance so also under section 436-A of Cr.P.C. Learned counsel thus seeks leave to withdraw this bail application with the aforesaid liberty.

2. Leave granted. Bail application is disposed off as withdrawn.

3. The informant's wife Jaylaxmi w/o Sunil Shetty has executed an agreement in favour of the developer of the applicant and learned counsel Mr. Latange appearing for the wife of the informant also accepts the same.

4. In view of the above, the applicant is at liberty to file an application for regular bail before the Trial Court on the aforesaid change in the circumstance. The applicant is also

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at liberty to raise the ground as contemplated under section 436-A of the Cr.P.C. to release on bail. Bail application is accordingly disposed off.

(V.K. JADHAV, J.)

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