

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 CRIMINAL APPLICATION NO.2107 OF 2020
IN BA/998/2020

SAMEER S/O GOVINDLAL KAKANI
VERSUS
THE STATE OF MAHARASHTRA

.....
Mr. G. K. Naik – Thigle, Advocate for applicant.
Mr. D. R. Kale, PP for respondent – State.
.....

WITH
CRIMINAL APPLICATION NO.2104 OF 2020
IN BA/597/2020

SHRIKANT S/O HARIBHAU JOSHI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Choukidar S.R.
PP for Respondent – State : Mr. D. R. Kale
...

WITH
CRIMINAL APPLICATION NO.2105 OF 2020
IN BA/641/2020

VIJAY VISHWANATH MULEY
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Choukidar S.R.
APP for Respondent – State : Mr. D. R. Kale
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 26th November, 2020

ORDER :

. Present criminal applications have been filed for extension of interim bail which was granted by this Court on 29-09-2020.

2. Heard both sides.

3. As a condition which was imposed earlier for the applicants to deposit amount of Rs.1,00,00,000/- in this Court it appears that, that condition has been complied with. Further condition that is imposed is that the applicants shall supply the deficit quantity of milk powder of the prescribed standard within two months as assured and agreed. In respect of these conditions, it is submitted on behalf of the applicants that the factory which was closed by the Government has been permitted to be started only on 17-11-2020 by letter to that effect which the applicants received on 18-11-2020. The applicants undertake that they would abide by term No. 'c' and they would start the production within a week. Taking into consideration the delay that has been caused by the Government, there is no hurdle in extending the period mentioned in clause No. 'c'. However, as regards clause No. 'd' is concerned and also taking into consideration the alleged misappropriated amount, it is necessary to ensure more amount to the Government taking into consideration the loss that has occurred and in this connection, a statement has been made by the learned Advocate Mr. Thigle, that the applicants would file an undertaking that the amount of

Rs.1,12,00,000/- which is due from the Government to the applicants, they will not claim it until they complied with clause No. 'c'.

4. Taking into consideration this proposal, applicants to give undertaking to that effect which is to be filed in this Court within a period of one week and also the undertaking by the applicants that they would comply with condition No. 'c' within a period of 90 days from tomorrow. Further, it is clarified that if the applicants do not comply with the condition in clause No.'c' within the aforesaid period of 90 days from tomorrow, then the period will not be extended on any count and on the 91st day, the temporary bail that has been granted to the applicants would automatically come to end. With this clarification, the extension of interim bail is granted.

5. As regards other two applications bearing Criminal Application Nos.2104 of 2020 and 2105/2020 are concerned, extension of interim bail is granted similarly with the same condition as in clause No. 'h' of order dated 29-09-2020.

6. Place the matters for further consideration on 25-02-2021.

[SMT. VIBHA KANKANWADI, J.]

scm