

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CONTEMPT PETITION NO. 148 OF 2019

(Mahendra Mahadeoraoji Bondre and two others Vs. Chandrakala Kailash Giri
Khardekar and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri S.D.Malke, learned counsel for the petitioners.
Mrs. Ritu Kalia, learned AGP for respondent no.2.

CORAM : ANIL S KILOR, J.
DATE : 17th FEBRUARY, 2020.

In the present Contempt Petition, it is alleged that the respondent fails to comply undertaking given by the respondent no.1 at the time of grant of bail by the learned Additional Sessions Judge-3, Nagpur in Misc. Criminal Application No.1129/2017.

2. Shri Malke, learned counsel for the petitioner has drawn attention to this Court to the order dated 23rd May, 2017 passed by learned Additional Sessions Judge-3, more particularly clause 2 of the order which read thus

“2] Accused namely Chandrakala W/o Kailash Giri Khardekar, be released on executing P.R.Bond of Rs.50,000/- and solvent surety in the like amount in Crime

No.274/2016 registered with Sitabuldi Police Station for the offence punishable under Sections 420, 465, 467, 471 and 120-B read with Section 34 of the Indian Penal Code, on the condition that the applicant shall not tamper prosecution evidence and shall deposit Rs.30,00,000/- within a month of her release on bail. If the applicant is unable to deposit that amount in due time, her bail will be automatically stand cancelled and she have to pay penalty of Rs.25,000/-, which will be deposited to State and will not be subject to refund, for any cause and this amount of fine shall be recovered as land reference.”

3. He has pointed out that the bail was granted on condition that the respondent shall deposit Rs.30,00,000/- within a month of her release on bail and on failure to deposit the said amount, the Court has observed that the bail stand automatically cancelled.

4. Since, the said order was conditional and there was no direction given by the Court to deposit Rs.30,00,000/- or there was no undertaking given by the respondent no.1 to deposit Rs.30,00,000/- within stipulated period. I find that there is no disobedience of any order of the Court. Thus, I find no substance in the present petition and same is rejected.

5. At this stage Shri Malke, learned counsel for the petitioner submits that he may be granted liberty to file appropriate proceedings before the appropriate Court as available under the law.

6. Liberty is granted as prayed for.

7. The contempt petition is disposed of.

JUDGE