

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

929 CRIMINAL WRIT PETITION NO.21 OF 2021

SAMTA NAGRI SAHAKARI PATSANSTHA,
KOPARGAON THROUGH AUTHORIZED
PERSON YOGESH MOHANRAO MORE ..PETITIONER
VERSUS

THE STATE OF MAHARASHTRA
AND ANOTHER ..RESPONDENTS

...
Advocate for Petitioner : Mr. R. L. Kute
APP for Respondent No.1: Mr. S.P. Sonpawale
Advocate for Respondent No.2 : Mr. Abhishek Kulkarni
...

**CORAM : N.R. BORKAR, J.
DATE : 10.12.2021**

PER COURT :-

Respondent No.2 who is an accused in Crime No. 368 of 2019 registered at City Police Station, Kopergaon Dist. Ahmednagar for the offences punishable under Sections 420, 465, 468, 471 read with Section 34 of the Indian Penal Code had filed an application for anticipatory bail before this court. This Court on 6th December, 2019 had passed the following order .

ORDER

- I. The application is allowed.
- II. In the event of arrest of the applicant in connection with Crime No. 368 of 2019 registered at Kopergaon

City Police Station, District Ahmednagar for the offences punishable under Sections 420, 468 read with Section 34 of Indian Penal Code, she be released on executing P.R. bond in the sum of Rs. 1,00,000/- (Rupees One Lakh) with suety bond in the like amount.

III. The applicant shall return Rs. 21,00,000/- by depositing the same in the trial Court. The applicant shall pay Rs. 5,00,000/- within a period of one week from the day of her release and the balance amount in equal installments of Rs. 1,00,000/- per month.

IV. In case of a single default in payment of the amount, the anticipatory bail granted to the applicant would stand canceled.

V. The applicant shall appear before the Investigating Officer as and when required.

VI. The application is disposed of. "

2. The grievance of the petitioner, who is the original complainant in the aforesaid crime, is that this Court has specifically directed that the respondent No.2 shall return Rs. 21,00,000/- by depositing the same in the trial Court. It is submitted that this Court has further directed that the respondent No.2 shall deposit Rs. 5,00,000/- within a period of

one week from the date of her release and balance amount in equal installments of Rs. 1,00,000/- and in case of single default in payment of the amount the anticipatory bail granted would stand cancelled. It is submitted that the respondent No.2 except depositing Rs. 5,00,000/- has failed to deposit balance amount as directed by this Court.

3. Today, the learned counsel respondent No.2 has tendered the affidavit. Paragraph Nos. 5 and 6 of the said affidavit read thus

“5. I say that, as per the order of this Hon’ble Court dated 6.12.2019 I have deposited Rs. 5 lakhs before learned trial Court. I say that, out of Rs. 21 lakhs by deducting an amount of Rs. 5 lakhs, the deponent is ready to deposit remaining Rs. 16,00,000/- in the trial Court within period of three months from today. Hence, I request Hon’ble Court to grant 3 months time to deposit an amount of rs. 16,00,000/- (Rs. Sixteen lakh only)

6. I say that, non-depositing the amount is not intentional and due to COVID-19 the applicant suffered huge loss in the business and therefore I was unable to pay regular installments. That, recently father of the deponent has suffered heart attack/ stroke and therefore more than 4 lakhs have spent on medical treatment of the father and

therefore deponent is seeking three months time to deposit the amount. "

4. Considering the statements in paragraph Nos. 5 and 6, and to grant one more opportunity to the respondent No.2 three months time is granted to deposit remaining amount of Rs. 16,00,000/- (sixteen lakh) before the trial Court, failing which the trial Court shall issue non bailable warrant against the respondent No.2.

5. The learned counsel for the petitioner submits that petitioner may be permitted to withdraw the amount of Rs. 5,00,000/- deposited by respondent No.2 before trial Court. The petitioner is at liberty to move an application before the trial Court and if such application is moved the trial Court shall decide the said application on its own merit.

6. Petition is disposed of.

(N. R. BORKAR)
JUDGE