

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 123 OF 2021

Gautam Grover S/o Kuldeep Raj Grover .. Applicant

Vs.

The State Of Maharashtra & Anr. .. Respondents

Mr.Sanjiv Punalekar A/w Mr. Ashish Kanojia A/w Mr. Avi
Bhuta i/b. Bhuta and Associates, Advocate for Applicant.
Mr. Raghavendra M. Advocate for Respondent No.2.
Mr. A. R. Kapadnis, A.P.P. for the State-Respondent.

CORAM : PRAKASH D. NAIK, J.
DATE : 8th APRIL 2021

PC.

1. The Applicant was arrested in connection with C.R. No.1 of 2021 registered with Airport Police Station, Mumbai for the offence punishable under Section 376, 406 and 420 of Indian Penal Code (for short "IPC").

2. The applicant preferred an application for bail before the Court of Sessions. The learned Judge vide order dated 10.03.2021 granted interim bail to the applicant on furnishing P.R. bond in the sum of Rs.25,000/- (Twenty-Five Thousand

Only) with one or two solvent surety/sureties in the like amount. He was directed to remain present before the Airport Police Station on 16.03.2021 and 30.03.2021 and surrender his passport to the Airport Police Station while granting bail. It was observed that learned counsel for the applicant/accused and the complainant agreed by virtue of pursis Exh.5 that the applicant shall pay the amount of Rs.10,00,000/- today itself and remaining amount of Rs.84,40,000/- shall pay within a month for which the complainant has no objection to grant the interim bail to the applicant. It was further observed that the complainant has no objection for contents of the pursis alongwith terms therein and the complainant has no objection if accused is ready to pay the amount of Rs.10,00,000/- today and remaining amount of Rs.84,40,000/- within a month to grant the interim bail for a month.

3. The applicant in this application has prayed that the bail order dated 10.03.2021 be modified by waiving condition of payment and directing the Sessions Court to decide the application on merits. The complainant be directed to deposit

the amount received by her during the pendency of bail application into Court subject to adjudication of the same between parties. The directions to make payment of further amount be stayed and the respondent No.1 be restrained from arresting the applicant by virtue of none payment.

4. It is submitted that the applicant has good case on merits. He would lose his liberty by virtue of inability to make balance payment by 10.04.2021 unless relief is granted by this Court. The applicant was in custody when the pursis was filed.

5. Learned counsel for the complainant strongly opposed the relief. It is submitted that the applicant had filed pursis before the Session Court. On that basis bail was granted on condition to deposit the amount. The applicant is supposed to pay balance amount within one month.

6. On perusal of order dated 10.03.2021, it is apparent that bail was granted by learned Session Judge after considering the pursis Exh.5. The amount of Rs. 84,40,000/- is to be paid within a month. The applicant has been granted interim bail

by the Sessions Court. It appears that the time to deposit the amount is expired on 10.04.2021. Learned Sessions Court granted interim relief. Considering the factual aspects, no interfere is required in the order passed by the Sessions Court. Hence, this application is rejected.

ORDER

Criminal Application No.123 of 2021 is rejected.

(PRAKASH D. NAIK, J.)