

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2183 OF 2021
IN
CRIMINAL BAIL APPLICATION NO.1466 OF 2020

Mangilal Jain and anr

.. Applicants

Versus

The State of Maharashtra

.. Respondent

...

Mr.Siddhesh Bhole i/b SSB Legal & Advisory for the applicant.

Mrs.A.A. Takalkar, APP for the State.

Suvarna R. Somani – complainant present.

Dr.Saroj R. Somani witness present in Court.

CORAM: BHARATI DANGRE, J.

DATED : 8th SEPTEMBER 2021

P.C:-

1 By order dated 27th January 2021, applicant was released on bail in the subject C.R. and the release was subject to a stipulation that in terms of the undertaking of the applicant, he shall deposit an amount of Rs.25 lakhs before the trial Court within 12 weeks from the date of the release and the Court shall consider the amount as subject matter of the proceedings.

2 The present application is taken out seeking extension of time to deposit the balance amount of Rs.15 lakhs,

Tilak

since it is stated that though the applicant had made serious efforts to arrange for the funds, he was able to deposit an amount of Rs.10 lakhs and therefore, an extension is sought.

2 Today, the respondent no.2 Ms.Suvarna Somani is present before the Court along with Sulochana R. Somani and Dr.Saroj Somani. Their identity is verified through the Court clerk.

3 Counsel for the applicant state that in furtherance of his undertaking to the Court, it was accepted as a pre-condition for his release on bail. He has paid Rs.10 lakhs in cash to the applicant and Rs.10 lakhs is already deposited by him in the trial Court. As far as the remaining amount of Rs.Five lakhs is concerned, the applicant undertake that the amount shall be made over to the complainant within a period of six months from today. The complainants who are present before the Court have already placed an affidavit on record dated 27th April 2021 and by personally remaining present in the Court, they accord their consent to the extension of time, subject to the stipulation that they may be permitted to withdraw an amount of Rs.10 lakhs deposited by the applicant in the trial Court, and an amount of Rs.5 lakhs shall be deposited in their account within a period of six months from today. The arrangement to be worked out between the complainants inter-se is already set out in the

affidavit which has been filed by them and they had already made a statement before the trial Court that they have amicably settled the dispute with the accused.

4 In the wake of the aforesaid developments, time for payment of Rs.25 lakhs as stipulated by order dated 27th January 2021 is modified to the effect that Rs.20 lakhs are already paid (Rupees 10 lakhs deposited in the trial Court + Rupees 10 lakhs paid to the complainant), an amount of Rs.5 lakhs shall be paid to the complainant within a period of six months from today.

5 The complainants are permitted to withdraw the amount of Rs.10 lakhs deposited in the trial Court.

6 With this modification in the order dated 27th January 2021, the Interim Application stands disposed of.

SMT. BHARATI DANGRE, J