

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1353 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO.262 OF 2020**

Himanshu Aditya Lohani	..	Applicant
Versus		
State of Maharashtra	..	Respondent

**WITH
INTERIM APPLICATION NO.1630 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO.97 OF 2020**

Vaijayanta Manik Pawar	..	Applicant
Versus		
State of Maharashtra	..	Respondent

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Mr.Satyavrat Joshi for the Applicant in both the Applications.

Mr.S.R.Agarkar, APP for the State.

PI Vilas S.Bhosale attached to CBI-Pune Rural present.

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**CORAM: BHARATI DANGRE, J.
DATED : JUNE 28, 2021**

P.C:-

1. The applications are moved seeking extension of time to comply with the order passed by this Court on 16th December,

2020. Suffice to note that on the date when the order was passed, an amount of Rs.10,00,000/- remained unpaid. Out of the said amount, applicant-Himanshu had to clear an amount of Rs.4,00,000/- whereas the applicant-Vaijayanta was to deposit Rs.6,00,000/-. The extension was sought on account of financial constraints and this Court had granted indulgence and permitted the amount to be deposited on or before 28th February, 2021 in the court of Judicial Magistrate First Class (JMFC). The applicants approached the court of JMFC by moving an application on 1st March, 2021 in terms of the directions issued by this Court and expressed their willingness to deposit the amount of Rs.10,00,000/- vide the cheques drawn on two different banks from the accounts of accused Nos.1 and 2. Surprisingly, the JMFC rejected the said request on the ground that the High Court had recorded that the time to deposit the amount was extended by way of last chance and the time will not be further extended. The applicants were, therefore, prohibited from depositing the amount only on account of delay of one day. The story does not stop here and it is surprising as to on what ground, the applicants approached the Hon'ble Supreme Court instead of approaching this Court, seeking its indulgence. As the fate could have been, the SLPs before the Hon'ble Supreme Court came to be dismissed and this constrained the applicants to again knock the doors of this Court by filing the present applications in the month of April, 2021, causing further delay in deposit of the amount.

2. On hearing learned counsel appearing for the applicants and on perusal of the record, it is very apparent that the

applicants were ready with the amount of Rs.10,00,000/- as a compliance of the directions of this Court and as a stipulation, subject to which they were granted anticipatory bail. However, it is but for learned Magistrate to assume that he could not entertain the application, since the time fixed by the High Court had expired, albeit there is a delay of one day only. The *bona fides* of the applicants can be seen as they were ready with the cheques of the aforesaid amounts and the cheque numbers are also mentioned in their applications.

In such circumstances, it cannot be said that the applicants have failed to abide with the directions of this Court, since it was the very next date, they approached the JMFC with the amounts as mentioned in two difference cheques. Hence, one day delay deserves to be ignored.

3. The applicants are directed to deposit Rs.10,00,000/- as directed in the order dated 24th February, 2020 in the Court of JMFC on or before 4th July, 2021.

4. With the aforesaid directions, the interim applications stand disposed of.

5. All the parties are directed to act upon the authenticated copy of this order.

SMT. BHARATI DANGRE, J