

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2244 OF 2021

Mohit Sanjay Pandoh .. Applicant

Vs.

The State of Maharashtra & Anr. .. Respondents

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Mr. Prithpalsingh Nahul i/b Mr. Ravindra S. Pachumdkar for the Applicant.

Ms. Rutuja Ambekar, A.P.P. for the State.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 24TH AUGUST, 2021.

P.C:-

1. In furtherance of the earlier order dated 10/08/2021, counsel for the Applicant has handed over Demand Draft for an amount of Rs.3 lakhs to the Complainant, who is personally present in the court, and she has acknowledged the receipt of the same.

2. The Applicant is arraigned as an accused in C.R. No.303 of 2020 registered with Vishrambag Police Station, Pune for offences punishable under Sections 420 and 406 of the IPC. The

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Complainant allege that she has been duped to the tune of Rs.13,39,100/-. On being added as a party, the Complainant expressed her willingness to accept an amount of Rs.10 lakhs in lieu of the amount mentioned by her, in her complaint and, therefore, the Applicant was directed to file an affidavit assuring the payment of Rs.10 lakhs. Accordingly, the Applicant, who is presently incarcerated in Yerwada Central Prison, has tendered an affidavit, which is affirmed on 12/08/2021 before the Jailer, Yerwarda Central Prison, Pune. In the said affidavit in paragraph 5, he has given the schedule of payments in the following manner:

Particulars of payment	Amount	Date
Demand Draft/RTGS	Rs.03,00,000/-	20.08.2021
Demand Draft/RTGS	Rs.03,50,000/-	15.10.2021
Demand Draft/RTGS	Rs.03,50,000/-	31.01.2022
Total amount Ten Lakh	Rs.10,00,000/-	

3. The first payment of Rs.3 lakhs has been made to the Complainant by Demand Draft, which has been handed over to the Complainant in the court. As far as the next two installments of Rs.3,50,000/- each, which will be due on 15/10/2021 and 31/01/2022, the same shall be deposited by the Applicant in the Complainant's bank account, details of which are handed over to learned counsel for the Applicant. The said Affidavit is taken on record and marked 'X'.

4. The statement made in the affidavit is accepted as solemn undertaking. However, it is made clear that if any default in payment of the said amounts would result in cancellation of bail granted to the Applicant, since the bail is granted subject to the stipulation that he will abide by the statement made in paragraph 5 of the affidavit filed by him. In view of the aforesaid, the Applicant is entitled for his release on bail.

ORDER

- (a) The Applicant - **Mohit Sanjay Pandoh** shall be released on bail in C.R. No.303 of 2020 registered with the Vishrambag Police Station, District Pune, on furnishing P.R. bond to the extent of Rs.30,000/- with one or two sureties of the like amount.
- (b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and the Applicant should not tamper with evidence.

(c) The Applicant shall attend to the Vishrambag Police Station, District Pune as and when called by the Investigating Officer.

5. The Application is allowed in the aforestated terms.

[SMT. BHARATI DANGRE, J.]