

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

BHALCHANDRA
GOPAL
DUSANE

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BHALCHANDRA
GOPAL DUSANE
Date: 2021.10.08
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**INTERIM APPLICATION NO. 2341 OF 2021
IN
BAIL APPLICATION NO.3342 OF 2019**

Mr. Raju Sachanand Chandwani Applicant/
Ori. Complainant

In the matter between

Mr. Arvind Mohanlal Jain Applicant

Vs.

The State of Maharashtra Respondent

Mr. Susheel Upadhyay i/by Ashok M. Saraogi for Applicant in IA.
Mr. Vijay Gharat for original Applicant in BA and for Respondent in IA.
Mr. A.R. Kapadnis, APP for State.

Coram : NITIN W. SAMBRE, J.

Date : 8th OCTOBER, 2021

P.C.:

1. In Crime No. 237 of 2018, this Court (Coram : Prakash D. Naik, J.) vide order dated 19th June, 2020 directed release of the applicant on following conditions :

- “(i) The applicant is directed to be released on bail in connection with C.R. No. 237 of 2018, registered with Mahatma Phule Police Station, EOW Thane City on furnishing PR bond in the sum of Rs.50,000/- (Fifty Thousand) with one or more sureties in the like amount for a period of six months from date of actual release;*
- (ii) The applicant shall abide by the undertaking of depositing the amount of Rs.4.00 Crores within six months from date of actual release. The amount be deposited before the trial Court;*
- (iii) The applicant is permitted to furnish cash bail security of Rs.50,000/- (Fifty Thousand) for the period of 12 weeks in lieu of surety;*
- (iv) Stand over to 7th January, 2021.”*

2. After aforesaid order was passed, it appears that the applicant has not honoured the condition of deposit of Rs.4.00 Crores as was undertaken before this Court and as such flouted the undertaking.

3. The said act of flouting of undertaking at its face value can be termed as the contempt on the part of the applicant.

4. The applicant took out Interim Application seeking extension of time fixed by the aforesaid order for grant of bail dated 19th June, 2020 for depositing amount of Rs.4.00 Crores. The extension was sought for a period of six months from filing of said application i.e. 4th January, 2021. Subsequent thereto, the applicant has approached this Court vide Interim Application No. 2464 of 2021 seeking extension of time of six months to deposit an amount of Rs.20.00 Lakhs.

5. It appears that the applicant, out of the aforesaid amount of Rs.4.00 Crores as was undertaken to be deposited vide undertaking reflected in the order of bail dated 19th June, 2020, claimed to have deposited total Rs.50.00 Lakhs i.e. on 5th April, 2021 Rs.30.00 Lakhs and Rs.20.00 Lakhs on 30th April, 2021.

6. The fact remains that till this date, the amount as was undertaken i.e. balance amount of Rs.3.50 Crores is not deposited. An extension is sought before this court on the ground that in view of

pandemic, the applicant was unable to take the undertaking to its logical end by depositing the amount.

7. As far as the aforesaid facts are concerned, the order granting bail was passed on 19th June, 2020 thereby permitting release of the applicant during pandemic situation. Applicant was well aware about the situation existed at that time, as such knowing fully well, he has given undertaking to this Court. Even after a lapse of almost 10 months of period after six months time to deposit Rs.4.00 Crores i.e. the period given in undertaking, the applicant has not honoured the undertaking given to this Court. Even today also, no firm commitment is made about deposit. As such, it is inferred from the record that the applicant wants to enjoy bail without fulfilling the conditions on which he was ordered to be released. That being so, the protection ordered in favour of the applicant vide order dated 19th June, 2020 stands vacated.

8. As a consequences of above, the application for grant of bail moved by the applicant stands rejected.

9. The applicant is directed to surrender his bail bonds forthwith.

10. Pending applications which are not on board i.e. Interim Applications No. 2464 of 2021, 58 of 2021 and 682 of 2020 also stand disposed of.

(NITIN W. SAMBRE, J.)