

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1243 OF 2019**

Ashish Uday Shivalkar ... Applicant
V/s.
The State of Maharashtra & Anr. ... Respondents

Mr.Sanjeev Kadam a/w. Mr.Prashakt Rahul and Ms.Vilasini i/b. Mr. Akshay Bhalerao for Applicant.
Mr.Y.M. Nakhwa, A.P.P for Respondent No.1-State.
Mr.Jadhav, P.S.I., Charkop Police Station.

CORAM : A.S. GADKARI, J.
DATE : 18th September 2021.

PC. :

1. Mr.Kadam, learned counsel for the Applicant submitted that, in pursuance of Order dated 4th September 2019 instead of depositing the said amount of Rs.2,90,000/- in four installments, the Applicant has gathered the amount and has drawn a Pay Order for Rs.2,90,000/- dated 7th September 2021 in the name of Registrar, High Court Appellate Side, Bombay, on Model Co-op. Bank Limited, M.G. Road, Mumbai. A photocopy of the said Pay Order is taken on record.

He submitted that, as soon as the present Order is uploaded on the High Court Official Website, the Applicant will deposit the said Pay Order in the Registry of this Court within a period of two working days thereafter.

The said statement is accepted as an undertaking given to this Court.

2. The police are seeking custody of the Applicant for recovery of the said amount of Rs.2,90,000/- allegedly defalcated by him. The Applicant with a view to prove his *bonafide* and without prejudice to his rights and contentions is now depositing the said amount in the Registry of this Court.

Record indicates that, in pursuance of Order dated 11th June 2019 the Applicant has attended the Investigating Officer of the concerned Police Station on stipulated dates.

3. In view of the above, the custodial interrogation of the Applicant for further investigation of present crime is not necessary and he can be protected by pre-arrest bail.

Interim relief, granted by Order dated 11th June 2019 is hereby confirmed. However the condition to attend the concerned Police Station is waived.

4. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]

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