

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

CRIMINAL APPLICATION NO. 251 OF 2020

Sneha @ Anita Vedpathak/Deshpande .. Applicant
V/s.
The State of Maharashtra ..Respondent

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CHAVAN

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**WITH
CRIMINAL APPLICATION NO. 380 OF 2019**

Parumeeta Vijjan Chakravarti .. Applicant
V/s.
The State of Maharashtra ..Respondent

Mr. Nitin Sejpal a/w. Ms. Sakshi Jha, for the Applicant in APL.251/2020.

Mr. Mubin Solkar i/b. Zara S. Salati and Aamir Sopariwala, for the Applicant in Cri. Application No.380/2019.

Mr. R. A. Shaikh, Mr. Mohsin N. Panjwani and Mr. Sharif Khan, for Respondent No.2 in Cri. Application No.380/2019, Respondent No.3 in APL/251/2020.

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

CORAM : C.V. BHADANG, J.

DATE : 06 DECEMBER, 2021

PC.

1. The challenge in these applications is to the order passed by the learned Sessions Judge, thereby cancelling bail granted to the applicants by the learned Magistrate. The learned Sessions Judge by the impugned Judgment and Order dated 04.07.2019 while partly

allowing Revision Application No. 209 of 2018 has directed the applicants/accused to appear before the learned Magistrate and to surrender themselves within 15 days and further granting liberty to the applicants to file an application for regular bail.

2. I have heard the learned counsel for the applicants, the learned APP and the learned counsel for the respondent/complainant.

3. The learned counsel for the Applicants submitted that there were Consent Terms entered into by the parties. The learned Counsel has then referred to an undertaking dated 12.02.2021 which was proposed to be filed by the Applicant Parumeeta Chakravarti in Criminal Application No. 380 of 2019 undertaking to pay Rs.35,00,000/- before this court within two working days of the filing of the said undertaking on 12.02.2021. It is pointed out that the Applicant Parumeeta Chakravarti had further undertaken to deposit an amount of Rs.2,57,47,371/- as detailed in the said undertaking. The learned counsel for both the Applicants have then referred to a joint undertaking filed by the Applicant Parumeeta Chakravarti and Applicant Sneha Vedpathak by which they have again undertaken to deposit an amount of Rs.2,92,47,371/- before

this Court as detailed in the said undertaking. That undertaking dated 01.12.2021 is taken on record and marked “X” for identification. It is thus submitted that the Applicants have bonafide intention to deposit/pay the amount.

Mr. Shaikh, the learned counsel for the respondent-complainant on instructions from the complainant who is stated to be present before the Court states that the complainant is ready and willing to accept the amount if the same is paid in lump-sum and not in installments.

4. The learned APP and the learned counsel for the Respondent / complainant has pointed out that the bail which was earlier granted by the learned Magistrate, was on the basis of the earlier Consent Terms, which did not materialise. It is pointed out that there was no order granting bail to the Applicants, which was passed on merits. It is therefore, submitted that the learned Sessions Judge was justified in cancelling the bail.

5. Both the learned counsel for the Applicants at this stage on instructions from the Applicants stated that Applicants are willing to go back to the learned Magistrate to surrender and to seek regular bail on merits, if a reasonable time is granted to the Applicants.

6. In view of this specific statement, it was submitted by the learned APP and the learned counsel for the respondent/complainant that appropriate orders may be passed.

7. In such circumstances, the Criminal Applications are disposed of. The Applicants are granted two weeks time to surrender before the learned Magistrate and to apply for regular bail.

8. If upon such surrender the applicants seek regular bail, the learned Magistrate shall decide the same on its own merits and in accordance with law after hearing the parties.

9. The rival contentions of the parties are left open.

10. The interim relief which was granted by order dated 18.09.2019 (in Cr. Application No. 380/2019) and interim relief granted on 05.02.2020 (in Cr. Application No.251/2020) are hereby continued for a period of two weeks.

(C.V. BHADANG, J.)

This order is corrected as per speaking to minutes of order dated 10.12.2021.