

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1973 OF 2019

Milind Vinayak Patil	... Applicant
V/s.	
The State of Maharashtra	... Respondent

WITH

INTERIM APPLICATION NO. 430 OF 2019

IN

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1973 OF 2019

Nitesh Nihalani	... Intervenor
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In the matter between :-

Milind Vinayak Patil	... Applicant
V/s.	
The State of Maharashtra	... Respondent

WITH

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1974 OF 2019

Pramila Negi Simmy	... Applicant
V/s.	
The State of Maharashtra	... Respondent

WITH

INTERIM APPLICATION NO. 431 OF 2019

IN

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1974 OF 2019

Nitesh Nihalani	... Intervenor
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In the matter between :-

Pramila Negi Simmy	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr.Aditya Gore for Applicants in both matters.
Ms.Kamini Pansare i/b. V.M.Legal for Intervenor.
Mr.Y.M. Nakhwa, A.P.P. for Respondent-State.
Mr.Sharad R. Nimale, P.S.I., M.I.D.C. Police Station, Andheri, Mumbai.

CORAM : A.S. GADKARI, J.
DATE : 5th October 2021.

PC. :

1. Mr.Gore, learned counsel appearing for the Applicants submitted that, in pursuance of Affidavit-cum-Undertaking dated 6th September 2021 filed by the Applicants, the Applicants have deposited first installment, more specifically mentioned in table given in para No.2 of the said Affidavit, in the Registry of this Court within stipulated period. He further on instructions submitted that, the Applicant will adhere to the undertakings given by them and will deposit balance installments within stipulated period mentioned in the said Affidavit and recorded in Order dated 18th September 2021. The said statement is accepted.

2. Investigating Agency is seeking custody of the Applicants predominantly for recovery of the said amount allegedly defalcated by the Applicants.

In view of the fact that, the Applicants are showing their *bonafide* by depositing the said amount, this Court is of the considered view that, the custodial interrogation of the Applicants for further investigation of the

present crime is not necessary and they can be protected by pre-arrest bail.

3. Interim relief, granted by Order dated 9th September 2019 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

4. It is however made clear that, if the Applicants commits default in making payment in depositing the said amount in the Registry of this Court, as mentioned in the said Affidavit dated 6th September 2021, the Order granting pre-arrest bail to the Applicants shall stand immediately vacated. In that event, the Investigating Agency will be at liberty to arrest the Applicants.

5. Both the Anticipatory Bail Applications are allowed in the aforesaid terms.

6. In view of disposal of Anticipatory Bail Applications, Interim Application Nos.430 of 2019 and 431 of 2019 do not survive and are accordingly disposed off.

[A.S. GADKARI, J.]

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