

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

ANTICIPATORY BAIL APPLICATION NO.77 OF 2020

Vilas @ Vikas Sambhaji Talbhandare ...Applicant
Versus
State of Maharashtra and Anr. ...Respondents

Shri. Ujwal Agandsurve i/b. Shri Sarang Satish Aradhye, Advocate
for the Applicant.

Shri. Suhas S. Inamdar, Advocate for the Respondent No.2.

Shri. S.H. Yadav, APP for Respondent – State.

CORAM : PRAKASH D. NAIK, J.
DATE : 10th JANUARY, 2022.

PER COURT:

1. This is an application for anticipatory bail in Crime No.590 of 2019 registered with Jail Road Police Station, Solapur for offence punishable under sections 406, 420, 467, 468, 471 and 506 r/w 34 of Indian Penal Code.

2. The grievance of the complainant was that he was cheated by the accused for an amount of Rs.18 Lakhs. Application came up for hearing on 14th January 2020. The learned Advocate for the applicant on instructions had submitted that to show his bonafides he is willing to pay an amount of Rs.9 Lakhs to the complainant within a period of 12 weeks. The complainant was

directed to be impleaded as respondent and interim relief was granted to the applicant. The notice was issued to the complainant.

3. On 21st February 2020, the Advocate representing the applicant had submitted that the applicant would deposit the amount of Rs.9 Lakhs within a period of 12 weeks from 21st February 2020. The amount was not deposited. The applicant had changed his Advocate. Application was adjourned to 1st October 2021. Interim relief was continued. Application was then listed for hearing on 1st October 2021. It was noted that the amount as agreed was not parted by the applicant to the complainant. The undertaking was not complied with. It was urged by the learned counsel representing him that the applicant would pay an amount of Rs.5 Lakhs within one week and balance amount within short span of time thereafter and the application was adjourned to 11th October 2021. In the said order, it was noted that in the event, the statement is not complied, interim relief would stand vacated.

4. Undisputedly, the statement made to the Court by the applicant has not been complied.

5. The learned APP submitted that the applicant had accepted the amount. A specific overt act is attributed to him. The counsel for the complainant also submitted that sufficient time was

granted to the applicant but he has not complied his statement.

6. In the light of the aforesaid factual aspects, it can be seen that the applicant has made statement and latitude was shown to him repeatedly on his statement that the amount would be parted to the complainant. The material on record shows his involvement in offence.

7. In the light of the factual aspects and circumstances as stated above, application has to be rejected.

ORDER

- (i) Anticipatory Bail Application No.77 of 2020 is rejected;
- (ii) Interim relief stands vacated;
- (iii) Application is disposed of.

(PRAKASH D. NAIK, J.)