

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

**INTERIM APPLICATION NO.507 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO.264 OF 2021**

Dinesh Dilip Javalekar .. Intervener.

IN THE MATTER OF:

Bandana Sanjay Mishra ... Applicant.

Vs.

State of Maharashtra .. Respondent.

WITH

ANTICIPATORY BAIL APPLICATION NO.264 OF 2021

Bandana Sanjay Mishra ... Applicant.

Vs.

State of Maharashtra .. Respondent.

...

Mr.Rohit Vaishya, Advocate for the applicant.

Ms M.A. Gowalani for intervener.

Smt.Anamika Malhotra, APP for the State.

API Sarjerao Shendage, Sakinaka police station present.

...

CORAM : BHARATI DANGRE, J.

DATE : 28th SEPTEMBER, 2022.

PC.:

1. On 28.01.2021, the Investigating Officer was directed not to arrest

the applicant since it was recorded that the alleged amount which was misappropriated by the applicant was to the tune of Rs.32,47,000/- and the applicant had deposited an amount of Rs.20,00,000/-.

The interim protection in favour of the applicant is continued till date.

2. The complainant has filed an application for intervention.

3. The applicant has filed an Affidavit-cum-Undertaking which is sworn on 28.9.2022, where specific statement is made to the following effect.

3. I say that without admitting the allegations levelled against me to show my bonafide, I have deposited Rs.20 Lakhs with the Ld.Metropolitan Magistrate Court, Andheri and further undertake that I will deposit balance amount of Rs.13,47,000/- with Ld.Metropolitan Magistrate Court, Andheri in the following manner.

On or before 10.11.2022	Rs.6,97,000/-
On or before 30.11.2022	Rs.6,50,000/-

It is also recorded in the affidavit that such a statement shall be accepted as Undertaking to the Court.

Said affidavit is taken on record and marked as 'X' for identification.

4. In the wake of the above Undertaking, the Complainant stated that his grievance stand redressed provided there is time bound compliance of the said Undertaking. Hence, the order.

:ORDER:

1. In the event of arrest, the applicant- Bandana Sanjay Mishra, in connection with C.R.No.1129 of 2020, registered with Sakinaka Police Station, shall be released on bail on furnishing PR. Bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
2. The applicant shall abide by the Undertaking and deposit balance amount of Rs.13,47,000/- before the Magistrate, as stated in the Undertaking, in two instalments.
3. Failure to abide by the Undertaking, would result the complainant to seek cancellation of bail.
4. Interim application is disposed of.
5. Anticipatory bail application no.264/2021 is disposed of.

[SMT. BHARATI DANGRE, J.]

