

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1134 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO. 2896 OF 2021
WITH
ANTICIPATORY BAIL APPLICATION NO. 470 OF 2022

Anirudha Balkrishna Joshi & Anr. ...Applicants
Vs.
The State of Maharashtra & Anr. ... Respondents

Mr. Sachin Upadhyay a/w. Mr. Vinit Pandey i/b. Mr. Aniket Sharma, for the Applicants in all IA's.
Mr. A. R. Kapadnis, APP for the Respondent-State.
Mr. Yogendra Kumar a/w. Mr. Arun Langani, for the Orig. Complainant / Informant.

CORAM : C.V. BHADANG, J.
DATE : 7 APRIL 2022

P.C.

. This Application is filed by the Applicants for modification of the order dated 29 March 2022 passed by this Court in ABA Nos.2896/2021 and 470/2022.

2. The Applicant No.1 is seeking extension of time to surrender and to furnish an undertaking as required by the said order.

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3. I have heard the learned counsel for the parties. Perused record.

4. By a common order dated 29 March 2022, ABA No.2896/2021 and 470/2022 were disposed of in the following terms.

(i) *The prayer for grant of anticipatory bail to the Applicant No.1 Anirudha Joshi stands rejected.*

(ii) *The Applicant Anirudha Joshi is granted time of two weeks to surrender before the Investigating Officer and to co-operate with the Investigating Agency.*

(iii) *The Applicant Anirudha Joshi to file an undertaking to that effect before this Court, within one week from today.*

(iv) *In the event of her arrest, in Crime No.316 of 2021, registered with Sinhagad Road Police Station, Pune, Applicant No.2-Rajani Balkrishna Joshi, be released on bail, on executing a P.R. Bond in the sum of Rs.50,000/- with one or two solvent sureties, in the like amount.*

(v) *In the event of her arrest, in Crime No.51 of 2022, registered with Sinhagad Road Police Station, Pune, the Applicant-Pallavi Anirudha Joshi, be released on bail, on executing a P.R. Bond in the*

sum of Rs.50,000/- with one or two solvent sureties, in the like amount.

(vi) The Applicants Pallavi Joshi and Rajani Joshi shall report to the Investigating Officer on 6 and 7 April 2022 between 11.00 to 1.00 p.m. and as and when required by the Investigating Officer.

(vii) The Applicants shall surrender their passport before the Investigating Officer.

(viii) The Applicants are granted six weeks time to deposit the amount of Rs.15.5 Crores before this Court. An undertaking to that effect be filed before this Court within two weeks from today.

(ix) The applicants shall not tamper with the prosecution evidence/witnesses.

(x) In the event of breach of any of the conditions, liberty to the prosecution to apply for modification/cancellation.

(xi) The Criminal Applications are disposed of in the aforesaid terms.

(xii) The Interim Application for intervention is also disposed of.

(xiii) To be listed on 6 June 2022 for reporting compliance and for passing appropriate orders for disbursal of the amount so deposited.

5. It is submitted by the learned counsel for the Applicant that the extension is sought as the Applicant No.1 Anirudha Balkrishna Joshi has to arrange for the amount of Rs.15.5 Crores and to furnish necessary undertaking.

6. The learned APP has opposed the extension, claiming that this is yet another attempt to gain time.

7. A perusal of the order dated 29 March 2022 shows that this Court has noticed that the Applicant has shown willingness for payment of the amount and has been seeking time since at least 9 June 2017 in respect of which the documents are produced on record in the original Application. In view of the fact that the Applicant No.1 had shown willingness to surrender and to deposit the amount, the order dated 29 March 2022 was passed.

8. On 6 April 2022, this Application was adjourned in order to enable the Applicants to produce the necessary undertaking. The learned counsel has filed an affidavit cum undertaking which is taken on record and marked 'X' for identification, in the following terms.

a) The Applicant will surrender himself on / or before the expiry of time period granted by this Hon'ble Court in an Interim Application bearing No.1134/2022.

b) The Applicant is ready and willing to abide all the terms and conditions imposed upon the applicant in an order dated 29/3/2022 save and except the condition imposed at Clause Nos.2 and 3 of the said order.

c) The Applicant is hereby ready and willing to abide such other terms and conditions if any imposed by this Hon'ble Court for the purpose of granting the relief as prayed by the Applicant in an Interim Application bearing No.1134 of 2022.

9. The affidavit-cum-undertaking does not confirm to the requirement of order dated 29 March 2022.
10. Considering the over all circumstances, no case for grant of extension is made out. The Application stands rejected.

C.V. BHADANG, J.