

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1121 OF 2022

Sarupam Kumar ...Applicant

V/s.

The State of Maharashtra ...Respondent

Mr. Varun Thokal, for the Applicant.

Ms. Veera Shinde, APP, for the Respondent/State.

CORAM : N.R. BORKAR, J.

DATE : 16th DECEMBER, 2022.

PC. :

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 30 of 2022 registered at Deccan Police Station, for the offences punishable under Sections 406, 420 read with 34 of Indian Penal Code.

3. This Court on 25/04/2022, passed the following order:

“1. The learned APP submitted that still investigation is in progress and it requires some time to record statement of all relevant witnesses.

2. Applicant’s learned counsel seeks for interim protection.

3. It is the prosecution case that the applicant was acting as an agent and he accepted money from some people including informant for arranging

admission in medical college. Applicant's learned counsel submitted that he has only received Rs.15,00,000/- and the rest of the amount has been transmitted to other co-accused. It is the submission that in fact the applicant was cheated by others. Upon instructions, the applicant's learned counsel submitted that the applicant would deposit 50 % of amount i.e. Rs.7,50,000/- in this court to show his bonafides. In view of that, applicant's liberty can be protected till the matter is heard of merit. Hence, following interim order:-

(a) In the event of arrest, the Applicant/Accused namely – Sarupam Kumar in Crime No.30 of 2022 registered at Deccan Police Station for the offences punishable under Sections 406, 420 r/w 34 of the Indian Penal Code, he be released on interim bail on his furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount.

(b)The applicant shall attend the concerned Police Station one very Sunday in between 10.00 a.m. to 12.00 noon to facilitate the investigation till further order.

(c)Applicant shall deposit amount of Rs.7,50,000/- in this court within one week from today.

(d)The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the prosecution evidence.

(e)Interim protection shall remain in force till next date.

(f)Sand over on 16th June, 2022.”

4. The learned APP submits that the applicant has received total amount of Rs. 21,00,000/-. The learned counsel for the applicant submits that the applicant is willing to deposit rest of the amount, however, he be granted reasonable time.

5. Considering the facts and circumstances of the case and as the applicant has shown his willingness to deposit the entire amount allegedly received by him, the interim anticipatory bail granted to the applicant by order dated 25/04/2022, is hereby confirmed.

6. The applicant is granted three months time to deposit rest of the amount, in this Court.

7. The State is at liberty to move an application for cancellation of bail, if the amount is not deposited.

[N.R.BORKAR, J.]