

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1872 OF 2022

Suryakant Shantaram Chavan ...Applicant

vs.

The State of Maharashtra ...Respondent

VISHAL
SUBHASH
PAREKAR

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VISHAL SUBHASH
PAREKAR
Date: 2022.06.28
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Mr. Sanjeev Kadam a/w. Mr. Prashant Raul, Mr. Mayur Sanap i/b.
Mr. Harshal Suryawanshi, for the Applicant.
Mr. Virendra Pethe, for the Original Complainant.
Mr. P.H. Gaikwad, APP, for the State.
Mr. Narayan Patil, API, Talegaon Dabhade police station, Pune
present.

CORAM : N. J. JAMADAR, J.

DATE : JUNE 27, 2022

P.C.:

1. Heard the learned counsel for the applicant, learned APP for the State and the learned counsel for the first informant.
2. The applicant is arraigned in C.R. No. 197 of 2022 registered with Talegaon-Dabhade police station, Pune for the offences punishable under section 406 and 420 of the Indian Penal Code, 1860.
3. The applicant is in custody since 27th April, 2020. The indictment against the applicant is that the applicant had agreed to sale flat No.7, Vallari Apartment, Indrapuri Society, Talegaon-Dabhade for a consideration of Rs. 31 lakhs. The applicant has received a part consideration of Rs. 22 lakhs. Though the first

informant was ready and willing to pay the balance amount of Rs. 9 lakhs, the applicant sold the said flat to another person and thereby deceived the first informant.

4. The learned counsel for the applicant submits that the applicant is suffering from ailments. Without prejudice to the rights and contentions, the applicant is ready to deposit a sum of Rs. 11 lakhs in this Court for which a demand draft has already been obtained and also deposit the balance amount of Rs. 11 lakhs within period, as indicated in an affidavit cum undertaking.

5. Affidavit cum undertaking of the applicant, tendered today reads as under:-

1] I Suryakant Shantaram Chavan do humbly on solemn affirmation state as under:-

I state that I am accused in C.R. 197 of 2022 registered with Talegaon Dabhade police station for offence punishable under section 406 and 420 of Indian Penal Code. I state that I never intended to run from liability inadvertently the non-communication between the parties leads to such an situation.

2] I state that I was arrested on 27th April, 2020 and I am in custody of Yerwada Central Jail till today.

3] I state that the total allegation is made to the tune of Rs. 22 lakhs show my bonafide, I undertake to deposit 50% amount i.e. 11 lakhs by way of demand draft/ pay order with the registry of this Court and the remaining balance amount of Rs. 11 lakhs as per schedule given below.

- a) 30th August, 2022 - 4 lakhs
- b) 31st October, 2022 - 3 lakhs
- c) 31st December, 2022 - 4 lakhs.

6. The learned counsel for the first informant, on instruction, submits that the first informant is not averse to the release of the applicant on bail subject to deposit of the aforesaid amount and undertaking to pay the balance amount.

7. The applicant is in custody since 27th April, 2020. The investigation seems to be practically complete. The first informant is also not averse to the proposal submitted on behalf of the applicant. Hence, I am inclined to exercise the discretion in favour of the applicant. Thus, the following order.

ORDER

- 1] The application stands allowed.
- 2] The applicant be released on bail on furnishing a P.R. Bond in the sum of Rs. 25,000/- and one or two sureties in the like amount to the satisfaction of the learned Magistrate.
- 3] The applicant shall deposit a sum of Rs. 11 lakhs in this Court by 29th June, 2022.
- 4] The applicant shall also deposit the balance amount of Rs. 11 lakhs as per the undertaking, extracted above, on or before the dates indicated therein.
- 5] The applicant shall regularly attend the proceeding before the jurisdictional Court.

6] The applicant is at liberty to furnish cash security in lieu of surety for a period of one month.

7] The first informant is at liberty to apply for withdrawal of the amount of Rs. 11 lakhs which is to be deposited by the applicant, with an advance notice to the applicant.

Application disposed.

(N. J. JAMADAR, J.)