

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2034 OF 2021
IN
BAIL APPLICATION NO.2568 OF 2019**

Sitapathy Dikshitgu Chavali	.. Applicant
Versus	
The State of Maharashtra	.. Respondent
...	

Mr.R.S. Soni a/w Mr.Tushar M i/b Saiyed for the applicant.
Mr. R.R. Nair for intervenor.
Mr. S.V. Gavand, APP for the State.

**CORAM: BHARATI DANGRE, J.
DATED : 26th JULY, 2022**

P.C:-

1. By the present application, the modification in the schedule of payment as determined by order dated 12/03/2021 is sought for.
2. Pertinent to note that as far the complainant Sunil Kapoor and one Surendra Malhotra are concerned, a settlement is arrived at and post dated cheques are handed over to them in the Court. Applicant assure that all those cheques shall be honored and in case of any default in honoring the cheques, the complainant can approach this Court for cancellation of bail.

3. As far as the remaining flat purchasers/investors are concerned, the applicant had expressed willingness to deposit an amount Rs.2,25,00,000/- so as to secure their interest. He also gave the schedule of payment of the said amount from 1/6/2021 till 1/06/2023. The statement was accepted and the applicant came to be released on bail.

4. Learned Counsel Mr. Soni would submit that the order call for a modification, since there was slight deficit in paying the quarterly installment and accordingly, an additional affidavit is filed by the applicant, where he seek a little indulgence from the Court by extending the period of paying the last installment by one month i.e. on or before 31/7/2023.

The revised schedule of payment as contained in paragraph no. 8 is to the following effect.

Sr. No	Date	Payment
1.	31/7/2022	Rs. 28,57,000/-
2.	31/10/2022	Rs. 28,57,000/-
3.	31/1/2023	Rs. 28,57,000/-
4.	30/4/2023	Rs. 28,57,000/-
5.	31/7/2023	Rs. 28,57,000/-

5. Noting that the applicant has abided by the order by making payment in tranches and seek extension and further modification in the payment of the installment, I am inclined to grant the said application.

The order granting the payment to be deposited for the flat

purchasers/Investors stand modified as above with the last installment of Rs 28,57,000/-, being payable on or before 31/07/2023.

6. It is made clear that failure to deposit the said amount as per undertaking, will permit the prosecution as well as the complainant to move an application for cancellation of bail.

7. The application is disposed off.

(SMT. BHARATI DANGRE, J.)