

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

**CRIMINAL APPLICATION NO.936 OF 2019
IN
ANTICIPATORY BAIL APPLICATION NO.1605 OF 2018**

Bijal Kumarpal Choksi ..Applicant
Versus
Mr. Chandrashekhar Champalal Hingarh & Anr. ..Respondents

Mr. Prosper D'Souza, Appointed Advocate for the Applicant.
Ms. Shraddha Mishra a/w Aditya Kanchan i/by Lakshyavedhi Legal,
for the Respondent No.1.
Mrs. Rutuja Ambekar, APP for the Respondent No.2/State.
Mr. Rakesh Pawar, D. N. Nagar Police Station – present.

CORAM : NITIN W. SAMBRE, J.

DATE : 30th NOVEMBER, 2022

PC.

1. The applicant has come out with the following prayer :-

- “(a) This Hon’ble Court be pleased to allow this criminal application of the Applicant/Complainant.
- (b) This Hon’ble Court be pleased to make the necessary corrections in the order dated 06/02/2019 passed in the Anticipatory Bail Application No.1605 of 2018 with respect to Para no.2 and 5 of the said order.
- (c) That the Applicant be permitted to withdraw amount from “Registrar, Appellate Side, High Court, Bombay” every year in the month of February or soon as the amount has been deposited by the Respondent no.1 in

the “Registrar, Appellate Side, High Court, Bombay” or as this Hon’ble court may deem fit and proper;

(d) And for such other relief as this Hon’ble court may deem fit and proper in the interest of justice.”

2. It is not in dispute that the prayer clause (b) is already granted by this Court.

3. As far as prayer clause (c) is concerned, the case of the applicant is to permit her to withdraw the amount which was deposited by the respondent/accused in compliance with the order of grant of pre-arrest bail to him on 6th February, 2019 delivered in ABA No.1605 of 2018.

4. The contentions of counsel for the applicant are, the accused has not complied with the order of grant of bail, particularly, conditions mentioned therein i.e. (a) by not furnishing an undertaking; (b) by not depositing the amount within the time schedule; and (c) the amount deposited is short to which on what was agreed.

5. As far as the aforesaid three submissions are concerned, the fact remains that the applicant has withdrawn the amount which is deposited by the accused as has been undertaken by him in the order for grant of pre-arrest bail.

6. Apart from above, the fact remains that the project I am

informed in 2021 is already registered under the RERA. As such, whether the project is taken to its logical end within the time stipulated cannot be an issue which can be gone into in the present application.

7. The fact remains that this Court has already treated the statement of the accused to be an undertaking in the order for grant of bail which can be inferred from the specific observations recorded to that effect in paragraph 12.

8. As such, I see no reason which warrants interference in the order of grant of pre-arrest bail.

9. The application as such fails and same stands rejected.

10. As and when the amount in compliance with the undertaking/condition of grant of bail is deposited in this Court, the applicant shall be permitted to withdraw the said amount which is paid towards the displacement charges.

[NITIN W. SAMBRE, J.]