

Vidya Amin

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

**BAIL APPLICATION NO. 1224 of 2019
WITH
CRIMINAL APPLICATION NO.908 OF 2019
WITH
CRIMINAL APPLICATION NO.1238 OF 2019
WITH
INTERVENTION APPLICATION NO.860 OF 2019**

Prernaa Virendrakumar Arora .. Applicant
Vs.
The State of Maharashtra & Anr. .. Respondents

Mr. Zohair Zaidy for the applicant.

Shri. S. V. Gavand, APP for the State.

Mr. Aniket Nikam with Ms. Hemangi Abhyankar, Mr. Vikramaditya Chavan and Ms. Riddhi Bhalekar i/b. ANM Global for Intervener in IA No. 860/19.

PI Shri Babaram Shinde, EOW, Mumbai present.

CORAM : BHARATI DANGRE, J.

DATE : OCTOBER 04, 2022.

P.C.:

1. By the present application, the bail granted to the applicant is sought to be cancelled.

On 24th August, 2022, I have recorded as under:

“2. The learned counsel for the applicant/accused state that the complainant has infact received some amount and he has placed on record certain documents to that effect.

3. The learned APP Mr. Gavand state that in a writ petition, it has come on record that Rs.20,92,42,568/- is received by the complainant in the name of Pooja Films and Entertainment Pvt. Ltd.”

2. In compliance, the counsel for the complainant Mr. Nikam does not dispute that the said amount is received.

He, however, insists upon compliance of the undertaking, subject to the undertaking submitted by the father of the applicant and on its acceptance on 3rd May, 2019, the applicant was released on bail. Paragraph 6 of the order on which he placed reliance reads thus:

“6. As per the said schedule, the applicant will deposit the first installment of Rs.50,00,000/- in the Registry of this Court on or before 7th May, 2019 and the last installment of Rs.3,00,00,000/- will be deposited on or before 20th June, 2020. The statement made by the father of the applicant, by name, Mr. Virendrakumar Arora, along with the schedule of payment is accepted as undertaking given to this Court. It is made clear that, before the actual release of the applicant from jail, the applicant will have to deposit the first installment in the registry of this Court and a receipt thereof shall be produced before the Superintendent of Byculla Central Womens Prison at the time of her release from jail.”

3. It may be true that in order to see his daughter out of prison, her father gave an undertaking that Rs.50,00,000/- shall be paid prior to her release and an amount of Rs.3,00,00,000/- will be deposited on or before 20th June, 2020. It is no doubt true that a sum of Rs.20,92,42,568/- is received by the complainant in the name of Pooja Films Company pursuant to an order passed by the NCLT, New Delhi in an application filed by the complainant against SPE Films India Pvt. Ltd. and this fact is not particularly disclosed in the Intervention Application filed by the complainant. An affidavit dated 4th October, 2022 filed by Mr. Nikam is taken on record and marked “X” for identification. In the affidavit, Mr. Nikam has reproduced the contents of the Intervention

Application, which only acknowledge that SPE Films India Pvt. Ltd. has made payment of Rs.9,52,00,000/- to Pooja Films Company.

Both the complainant as well as the father of the applicant who gave such an undertaking before the Court that he would deposit the entire amount of Rs.20 crores are conspicuously silent upon receipt of the amount. In any case, the complainant has received an amount of Rs.20,92,45,568/- and Rs.50,00,000/- is lying in this Court. It is open for the complainant to file an application for seeking withdrawal if they deem fit and it is upto the Court to consider the said application, since according to the learned counsel for the applicant/accused, the applicant was to deposit Rs.20 crores as against the fictitious figure of Rs.31.6 crores which is not in any way surfaced in the complaint.

4. In the wake of the above, I think there is sufficient compliance of the undertaking given to this Court and the application seeking cancellation of bail on the ground that there is breach of the condition is rejected.

5. Interim application is disposed of.

(SMT. BHARATI DANGRE, J.)