

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

**INTERIM APPLICATION NO. 4186 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO. 2442 OF 2022**

Aslam Safiuddin Mirdhe	...Applicant
Versus	
State Of Maharashtra and Ors.	...Respondents

Ms. Tahera Qureshi for applicant in IA no. 4186 of 2022.

Mr. Sachin Deokar for applicant in ABA no. 2442 of 2022.

Mr. S.V. Gavand, APP for State.

PSI D.N. Ghuge, Kalwa Police Station, Thane City is present.

CORAM: M. S. KARNIK, J

DATED: DECEMBER 20, 2022

PC:-

1. Heard learned counsel for the applicant and learned APP for State.
2. This is an application made by the first informant for the cancellation of the pre-arrest bail granted by this Court on 06/10/2022 to the accused. By order dated 06/10/2022, it was recorded thus:-

"1. The applicants were admitted to interim protection by an order dated 06 September, 2022. The applicants made a

statement that they are ready to repay a sum of Rs.10 Lakhs by depositing it in the Court or handing it over to the complainant. Today the complainant is present in the Court and representing by the counsel.

2. The learned counsel for the applicants makes a statement that over and above Rs.10 Lakhs the applicants shall pay an amount of Rs. 2 Lakhs i.e. total sum of Rs. 12 Lakhs within a period of two weeks. The complainant accepts the said offer and said that he is ready to receive the amount of Rs. 12 Lakhs, provided it is made by Demand Draft within a period of two weeks from today. The learned counsel for the complainant also states that acceptance of the said amount shall be without prejudice to the rights of the applicants to institute a civil suit, if advised.

3. The statement made by learned counsel for the applicants is accepted as an undertaking to the Court and since the complainant is satisfied with the said order, the order dated 06 September, 2022 is made absolute.

4. Application is disposed of.

5. Intervention application is also disposed of."

3. On the last occasion when the matter was heard, I had granted indulgence as the learned counsel for the accused made a statement that the cheque for the amount of Rs.12,00,000/- would be paid. It was then submitted that the accused already has a demand draft issued in his favour for the sum of Rs.15,00,000/-. Today, i.e. on 20/12/2022, learned counsel for the accused – Krishna Sukhdev Mhatre and Imran Nazir Chewalkar submitted that he has been instructed to state that the payment will be made in a day or two. The bonafides of the

Krishna and Imran are highly doubtful.

4. In these circumstances, I am left with no other alternative but to allow this application for cancellation of anticipatory bail preferred by the first informant. This application is allowed in terms of prayer clause (a). The present order, only in the interest of justice and as per the request made by the learned counsel for the accused, be made effective from 26/12/2022. If by then the order dated 06/10/2022 is complied with, in that case the original order dated 06/10/2022 will stand.

(M. S. KARNIK, J.)