

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (BA) NO. 579/2020
Pradeep Madhukar Dhomne...Versus...State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. J.M.Gandhi, Advocate for the applicant
Ms. Mayuri Deshmukh, APP for respondent/State

CORAM : AVINASH G. GHAROTE, J.

DATE : 05/04/2022

1] Heard Mr. Ghandhi, learned counsel for the applicant and Ms. Deshmukh, learned APP for respondent/State.

2] The applicant has been arraigned for the offence under Sections 406 & 420 of the IPC and Sections 3 & 4 of the MPID Act in Crime No. 23/2020.

3] By an order dated 13.10.2020, the applicant was granted temporary bail for a period of six months, which was based upon the condition that he shall ensure that the complainant and other customers whose statements are recorded during investigation are refunded the amount. The temporary bail granted to the applicant has been extended from time to time and as on date the applicant continues to be on temporary bail. In pursuance to what is contained in para 4 of the order dated 13.10.2020, statements have been

made that substantial portions of the amount claimed by the complainants as well as other persons whose statements are recorded has been paid. The statement in this regard is dated 11.3.2022, which indicates that in so far as 17 persons named therein, most of them, have been paid the major amounts which are claimed by them. It is further submitted that the said persons have agreed to a settlement, which, however, is not reflected from the documents placed on record by the applicant along with the Criminal Application (APPP) No. 640/2021. However, in order to account for the deficit, Mr.Gandhi, learned counsel for the applicant upon instructions states that the applicant is ready and willing to deposit a sum of Rs. 15 lakh before the learned Sessions Court, for which the xerox copy of the Demand Draft bearing 41812962, dated 4.4.2022, drawn on the Union Bank of India in the name of the District and Sessions Judge, Nagpur, has been placed on record, which is marked as "Y" for the purpose of identification. It is therefore submitted that the order of temporary bail be confirmed and the application be allowed.

4] Learned APP does not dispute that the Demand Draft of Rs. 15 lakh in case deposited before the learned Sessions Court would take care of the deficit and a compliance of clause (4) of the order dated 13.10.2020. The charge-sheet has already been filed on 23.7.2020 and considering that the applicant has been granted temporary bail by this court by the

order dated 13.10.2020 which has been continued till date and on the condition that the applicant shall deposit amount of Rs.15 lakh with the learned District and Sessions Judge, today itself, a case for bail is made out. Hence the following order.

- [i] The application is allowed.
- [ii] The temporary release of the applicant granted by the order dated 13.10.2020 is confirmed with the additional conditions as under.
- [iii] The applicant shall not tamper with the prosecution evidence and shall not undue influence the prosecution witnesses, in any manner whatsoever.
- [iv] The applicant shall appear before the learned Sessions Court on all the dates fixed without fail and shall ensure that the trial is not protracted on his count.
- [v] Any breach of conditions shall result in cancellation of bail.

5] Steno copy of the order be supplied to the applicant to act upon.

JUDGE

Rvjalit