

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

945 CRIMINAL APPLICATION NO.3199 OF 2023
IN BA/453/2023

SAMADHAN GONDU NIMBHORE (CHAMBHAR)
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Harshal Prakash Randhir
APP for Respondents: Mr. S.B. Narwade.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 1st SEPTEMBER, 2023

ORDER :-

By this application, the applicant seeks extension of time to deposit the second installment in terms of the order dated 31.3.2023 passed by this Court. Clause (iii) of the operative part of the order dated 31.3.2023 reads thus :-

“The applicant shall deposit Rs. 37,99,000/- in two equal installments, first immediately and second would be within two months after his release on bail.”

2. The applicant had moved criminal application No. 1941 of 2023 in Bail Application No. 453 of 2023 seeking extension of time as well as seeking modification of the condition No.(iii) in the order dated 31.3.2023. This court vide order dated 5.6.2023 rejected the prayer for modification of the condition, however, granted extension of time by 3 months to deposit the second installment. The applicant could not

comply with the said condition and seeks further extension of 4 months by filing the present application.

3. The learned counsel for the applicant submits that although the applicant has made every attempt to comply with the condition, due to financial hurdles, he could not deposit the second installment within the extended period. It is not in dispute that the applicant has deposited the first installment and is seeking extension for depositing the second installment.

4. Considering the request, as stated in the application, it would be appropriate to grant some extension by way of last chance to the applicant to comply with the condition regarding deposit of the amount. Hence, the following order :-

ORDER

[I] The application is partly allowed.

[ii] Time to deposit the second installment as per the condition No.(iii) of the order dated 31.3.2023 is extended by eight weeks. It is made clear that no further extension would be granted and the default clause would operate without further reference court to the Court.

[iii] The application stands disposed of accordingly.

[S.G. CHAPALGAONKAR]
JUDGE