



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.4315 OF 2023
IN REVN/310/2023 WITH REVN/310/2023**

HARI OM ENTERPRISES PROP. NAMDEO LAXMAN
HARGUDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. S. G. Kawade, Advocate for the Applicant.
Mr. S. G. Gaikwad, APP for Respondents-State.
Mr. A. V. Phad, Advocate for Respondent No.2.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 04th DECEMBER, 2023.**

PER COURT:-

1. Heard the learned Advocate appearing for the applicant, the learned APP for the respondent-State and the learned Advocate appearing for the complainant.

2. Mr. Kawade, learned Advocate appearing for the applicant submits that by order dated 13.10.2023 the applicant is granted bail in Criminal Revision Application No.310/2023 subject to condition that the applicant shall deposit Rs.5,00,000/- with the Trial Court within a period of four weeks from the date of his release on bail. He would submit that the applicant had obtained Demand Draft of Rs.5,00,000/- in the name of Judicial Magistrate First Class At Parli dated 09.11.2023 at Pune. However, before he could deposit the same, there were Diwali vacation. Meanwhile, the time of four weeks is expired. He would submit that the default on the part of the applicant is not intentional. In fact, he had obtained Demand Draft before expiry of the period of four weeks. As such, time to deposit the amount may be extended.

3. The learned Advocate appearing for the complainant strongly opposes the prayer. He would submit that this Court has specified while granting bail that non-observance of the condition regarding deposit of the amount shall entail cancellation of the bail. Therefore, the applicant cannot seek extension without he surrenders before the Trial Court.

4. Having considered submissions advanced, it is apparent that the applicant was conditioned to deposit amount of Rs.5,00,000/- within a period of four weeks with further stipulation that non-observance of the condition shall entail cancellation of bail. In effect, the order granting bail stood canceled. However, looking to the fact that the applicant had taken some steps and obtained Demand draft of requisite amount prior to the expiry of the period granted, this Court finds it appropriate to extend time to deposit the amount by another four week from the date of its expiry i.e. 09.11.2023, on condition that applicant deposits the entire amount of cheque i.e. Rs.9,80,000/- with the Trial Court.

5. It is made clear that, if the aforesaid amount is not deposited in time, the bail granted to the applicant shall entail cancellation. The applicant shall not be entitled to seek further extension to deposit the amount.

6. Criminal Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE