



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

CRIMINAL APPLICATION NO.174 OF 2023

DIGAMBAR ROHIDAS AGAWANE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Satish B. Talekar a/w Ms. Pradnya Talekar, Ms. Madhavi Ayyapan, Ms. Neha Kachi, Ms. Kalyani Mangave i/b Talekar and Associates, for the applicant.

Mr. N. B. Patil, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 8, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for relaxation of the condition imposed by the trial Court while enlarging the applicant on bail. By the order dated 14/12/2022, the trial Court had directed that the applicant shall deposit Rs. 9 lakhs in the Court as one of the conditions for release on bail in connection with C.R. No. 652/2022 registered with Phaltan Rural Police Station for the offence under sections 420 and 506 read with 34 of the Indian Penal Code and section 3 of

Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999. Though the order was passed on 14/12/2022, the applicant has not been able to avail of the bail as he has not been able to deposit the amount of Rs.9 lakhs. The applicant is in custody for almost more than 6 months since passing of the bail order. The properties of the applicant are subject to attachment. For the reasons mentioned in the application and in view of the statement that the applicant has absolutely no source of income, in my opinion, in the facts of the present case, the condition for deposit of 9 lakhs needs to be relaxed.

3. Learned APP opposed the application.

4. The condition no. 1 for deposit of Rs. 9 lakhs recorded in the order dated 14/12/2022 passed by the trial Court is quashed. The other conditions shall remain intact. The applicant may avail of the bail granted by the trial Court.

5. The application is allowed and disposed of.

(M. S. KARNIK, J.)