IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.942 OF 2023
IN
CRIMINAL WRIT PETITION NO.2499 OF 2021

Suhas Radhakrishna Lohokare ...Applicant
Versus
The State of Maharashtra ...Respondent

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Mr. Darshan J. Juikar, Advocate for the Applicant.

Mrs. Anamika Malhotra, APP for the Respondent – State.

Mr. Raju. B. Nanglot, (A.P.I.) EOW, Mumbai, present.

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CORAM : PRAKASH D. NAIK, J.
DATE : 13th JUNE, 2023.

PER COURT :-

1. This is an application for modification of Order dated 11.07.2022 passed by this Court in Criminal Application No.3285 of 2021.

2. The First Information Report was registered with N.M. Joshi Marg Police Station, Mumbai, vide C.R. No.37 of 2018 on 27.03.2018 under Sections 420, 409, 465, 467, 468, 471, 472 r/w Section 120(B) of IPC. Investigation was transferred to EOW, vide C.R. No.31 of 2018. The account of applicant with HDFC Bank bearing No.00121000038256 was blocked by investigating agency. Subsequently his accounts in Bank of Baroda and Cosmos Bank

Corrected version of order dated 13.06.2023 pursuant to speaking to minutes of order dated 03.07.2023.

were freezed. On completing investigation, charge-sheet was filed.

3. The applicant preferred application for de-freezing accounts before the Court of Additional Chief Metropolitan Magistrate. Vide order dated 15th March, 2021, passed by learned Additional Chief Metropolitan Magistrate 47th Court, Esplanade, Mumbai, the bank accounts of the applicant were defreezed on furnishing bank guarantee of the amount lying in the bank account as on the date of the order. Subsequently, the applicant preferred Criminal Writ Petition No.2499 of 2021, before this Court and vide order dated 26th July, 2021, the order passed by learned Magistrate was modified and it was directed that, instead of furnishing bank guarantee for the amount mentioned in the accounts, indemnity bond for the amount of Rs.45,00,000/- along-with two solvent sureties for the said said amount lying in three accounts.

4. The applicant preferred Criminal Application No.3285 of 2021 for modification of order dated 26.07.2021 passed by this Court and contended that the applicant had attempted to furnish solvent surety. He could get solvency certificate on the value of property furnished by him to the tune of Rs.21,39,790/-. It was contended that, applicant is willing to furnish solvency of Rs.21,39,790/- and the property would remain as security. Considering the aforesaid circumstances, the applicant was

permitted to furnish the solvency certificate of Rs.21,39,790/-. It was directed that, the applicant and the surety/owner of the property which is furnished for issuance of solvency certificate shall file an Undertaking before the trial Court that no third party interest would be created in respect to the said property and the property will not be alienated to any other person till the final disposal of case.

5. The applicant has again preferred this application for modification order dated 11.07.2022.

6. Learned Advocate for the applicant submits that, in fact at the time of registration of FIR, the amount of Rs.8,56,281/- was lying into the accounts of the applicant. Hence, it would be appropriate and it would be also feasible for the applicant to give bank guarantee on the amount of Rs.8,56,281/-. It is further submitted that the applicant would give bank guarantee from the ICICI Bank to the extent of aforesaid amount.

6. Learned A.P.P. on instructions confirmed the fact that, at the time of registration of FIR, the amount of Rs.8,56,281/- was lying into the subject accounts which were frozen.

7. It is thus clear that the applicant can be directed to give bank guarantee on the amount of Rs.8,56,281/-. The earlier order is required to be modified.

ORDER

i. The order dated 11th July, 2022 passed by this Court in Criminal Application No.3285 of 2021 is modified by permitting the applicant to furnish bank guarantee from his account in ICICI Bank on the amount of Rs.8,56,281/-.

ii. Interim Application stands disposed off.

(PRAKASH D. NAIK, J.)

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