

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

ANTICIPATORY BAIL APPLICATION NO.779 OF 2021

Chetan Shridhar Belwalkar ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Ms Farheen Himayat Ali Chaudhary for the Applicant.

Ms A.A. Takalkar, APP for the Respondent-State.

Mr. Ravikant Nandanwar, API, Agripada Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 25th APRIL, 2023.

P. C. :-

1. This is an application under Section 438 of the Cr.PC. filed by the aforesaid Applicant seeking pre-arrest bail in C.R. No.554 of 2020 registered with Bhandup Police Station, Mumbai, for the offences punishable under Sections 406 and 420 of the IPC.

2. Order dated 23/03/2021 records that the Applicant had made a statement that he would pay the entire amount in two installments. The first installment of Rs.5,43,531/- was to be paid on 15/05/2021 and the second installment of Rs.4,00,000/- was to be paid on 18/05/2021.

3. The said statement was accepted and the Applicant was directed to deposit demand draft for an amount of Rs.5,43,531/- before the registry and Rs.4,00,000/- on or before the scheduled date. In view of the said statement, this Court had granted interim bail to the Applicant.

4. Learned counsel for the Applicant states that the Applicant has not complied with the statement made before this Court. She further states that she has no instructions from the Applicant and she is unable to contact the Applicant.

5. In the light of the said statement and also considering the fact that the Applicant has not complied with the statement made before this Court and had obtained interim relief on the basis of false statement that he would deposit the amount, I am not inclined to exercise discretion under Section 438 of the Cr.PC. in favour of the Applicant. Hence, the application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)