

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 174 OF 2022

Vinod Tanaji Malvankar ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Shyamrishi Pathak alongwith Mr. Prabhakar Parse for the Applicant.
Mr. P.H. Gaikwad Patil, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 2 JANUARY 2023

P.C. :-

. The applicant is an accused in Crime No. 8 of 2020 registered at Kharghar Police Station for the offences punishable under Sections 420, 406, 465, 467, 468, 471 r/w. 34 of Indian Penal Code.

2. The applicant had filed an Application for bail before the Sessions Court. By order dated 14 January 2022, the Sessions Court allowed the bail Application of the present applicant and released him on bail by inter-alia imposing following condition :

“(e) He shall deposit the defrauded amount which he used by cheating (excluding the amount of other co-accused) to the bank with the tune of Rs.1,00,000/- per month without fail in the informant bank from the date of this order.”

3. The learned Counsel for the applicant submits that it is not permissible in law to impose such condition. The learned Counsel for the

applicant however on instructions submits that still the applicant without prejudice to his rights is willing to deposit Rs.10 Lakhs i.e. Rs.1 Lakh per month after his release.

4. Considering the facts and circumstances of the case, I am inclined to modify the conditions imposed by the Sessions Court. In the result, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant shall deposit Rs.10 Lakhs i.e. Rs.1 Lakh per month from January 2023 with the informant Bank. The order of Sessions Court to that extent stands modified.

5. The learned Counsel for the applicant submits that though by order dated 14 January 2022, the applicant was found to be entitled to bail, due to condition imposed by the Sessions Court, he is still in jail for about one year thereafter. It is submitted that the applicant be permitted to furnish cash security of Rs.25,000/- and the applicant shall furnish surety within four weeks from the date of his release on bail.

6. Considering the fact that the applicant is in jail for about one year even though he was found to be entitled for bail, he is permitted to furnish cash security of Rs.25,000/- and the applicant shall furnish surety within four weeks from the date of his release.

7. Application is disposed of.

(N.R. BORKAR, J.)