

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

**INTERIM APPLICATION NO. 1796 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 1658 OF 2022**

1. Sheetal Arvind Shah
 2. Arvind T. Shah
 3. Darshana Arvind Shah
- ... Intervenors

In the matter between :-

1. Sohanlal Motilal Jain
 2. Jitendra Sohanlal Jain
 3. Manish Sohanlal Jain
 4. Bharat Sohanlal Jain
 5. Chandresh Sohanlal Jain
- Applicants
- v/s.
- The State of Maharashtra
- Respondent

Ms. Sheetal Shah, Intervenor present in person.
None for the Applicants in ABA/1658/2022.
Mr. S.H. Yadav, APP for the State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 20th JULY, 2023.

P.C. :-

1. The Applicants/Intervenors had sought cancellation of bail granted to the Respondent Nos.1 to 5 vide order dated 20/10/2022.

2. By the said order, this Court had granted pre-arrest bail to the Respondent Nos.1 to 5 in view of the specific statement that they would pay the amount as per the schedule contained in paragraph 2 of

the affidavit filed by them. The Applicant sought cancellation of bail on the ground that the Respondent Nos.1 to 5 had not paid the balance amount of Rs.60,00,000/- as per the schedule. On 11/05/2023, Respondent Nos.1 to 5 filed an affidavit-cum-undertaking stating that an amount of Rs.60,00,000/- would be paid within 15 days w.e.f. 10/05/2023. Learned counsel for the Respondent Nos.1 to 5 had made a statement that even though the Respondents had sought 15 days time to make payment of Rs.60,00,000/-, they would in fact make an endeavour to pay the entire amount of Rs.60,00,000/- within a period of 10 to 12 days. In view of the said undertaking, the Vacation Bench of this Court directed no coercive action against Respondent Nos.1 to 5.

3. The Respondents did not pay the entire amount as undertaken and on 15/06/2023, sought further 10 days time to make the payment of Rs.42,00,000/-. On 06/07/2023, the Respondents stated that out of the said amount of Rs.42,00,000/-, an amount of Rs.22,00,000/- was paid and that they were unable to arrange the balance amount of Rs.20,00,000/- and that the same would be paid within a period of one week. The said statement was accepted.

4. On 13/07/2023, the Respondents sought further extension of time. By order dated 06/07/2023, the Respondents were put to notice that in the event they fail to abide by the statements recorded in the previous orders, the Court would be constrained to cancel the bail granted vide order dated 20/10/2022. On 13/07/2023, the Respondents once again sought extension of time and made a statement that the balance amount would be deposited by 19/07/2023 without fail and without seeking any further extension. The Applicants/intervenors state that the Respondents had not deposited the amount as stated above.

5. The Respondents have failed to abide by the statement made before the Court. They are neither present nor represented by any advocate. Considering the conduct of the Respondent Nos. 1 to 5 and the fact that the pre-arrest bail was granted solely on the basis of the statement that they would pay entire amount as per the schedule in the undertaking, this Court is constrained to recall the said order. Hence, the order dated 20/10/2022 granting pre-arrest bail to the Respondent Nos. 1 to 5 is hereby recalled and the Anticipatory Bail Application No.1658/2022 stands restored.

6. Interim Application stands disposed of.

7. Since the Anticipatory Bail Application No.1658/2022 was not heard on merits, the same be listed 'for hearing' on **03/08/2023**.

PREETI
HEERO
JAYANI

(SMT. ANUJA PRABHUDESSAI, J.)

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by PREETI
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Date: 2023.07.25
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