



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

BAIL APPLICATION NO.2322 OF 2023

CHANDAN GHANSYAMDAS CHACHLANI ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
INTERIM APPLICATION NO.3863 OF 2023
IN
BAIL APPLICATION NO.2322 OF 2023**

NARAYAN DHONDIBA KUDALE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Mithilesh Mishra i/b. Adv. Agastya Desai for the
Applicant.
Ms. Veera Shinde, APP for the State.
Adv. Vikas Shivarkar for intervener/informant.
Rajendra Thorat, E.O.W., Pune Rural.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 23, 2023

P.C. :

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for informant.
2. This is an application for bail in respect of the offence punishable under Sections 420, 406, 467, 468, 471, 34 of the Indian Penal Code (hereafter 'IPC' for short) and under

Sections 3, 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999, ("MPID Act", for short) registered on 12.07.2014 vide C.R. No.200 of 2014 with Paud Police Station, District Pune.

3. Learned APP and learned counsel for the informant vehemently opposed the application for bail. It is submitted that the applicant has failed to comply with the condition Nos.3 and 4 of the bail order dated 05.11.2015 passed below Exhibit 2 and 3 in M.P.I.D. Case No.10 of 2015 by the Special Court. The applicant was therefore taken into custody on 24.05.2023. While opposing the application for bail it is submitted by learned counsel for the informant that the trial Court in the order dated 10.07.2023 while rejecting the application Exhibit 139 for grant of regular bail to the present applicant has clearly observed that the applicant has not complied with the bail condition to pay Rs.50 lakhs as per his undertaking within the extended period. It is submitted that the applicant dragged the matter on one pretext or the other since January 2016 till June 2023 and remained absent in the proceedings. It is further submitted

that the undertaking has not been filed by the applicant in the form as directed in terms of clause (4) of the order dated 05.11.2015 while enlarging the applicant on bail by the trial Court.

4. There is no dispute that the applicant has now deposited a sum of Rs.50 lakhs. No doubt such a deposit is not within the time granted by the trial Court. For the breach of the condition the applicant has already suffered the consequence of incarceration from 24.05.2023 almost for a period of five months. It is noticed that by an order dated 11.01.2019 the trial Court has already observed that the Flat bearing No.1 situated at 2nd floor, B-Wing at Dharma Apartment, constructed on Survey No.224/6 and 224/7 of village Pimpri-Chinchwad Municipal Corporation is hereby attached and accused No.1 Chandan Ghanshyam Chanchalani shall not in any manner dispose of such property till the conclusion of trial on merit. Learned counsel for the applicant on instructions submits that the same may be read as an undertaking to this Court by the applicant. Statement is accepted.

5. In this view of the matter further custody of the applicant is not required. It is the submission of learned APP and learned counsel for the informant that the applicant is not attending the trial. Learned counsel for the applicant on instructions makes a statement that the applicant henceforth shall attend the trial regularly on each and every date unless exempted. The statement is accepted. The applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant-Chandan Ghansyamdass Chachlani in connection with C.R. No.200 of 2014 registered with Paud Police Station, District Pune shall be released on bail on his furnishing P.R. Bond of Rs.1,00,000/- with one or more solvent sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.1,00,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person

acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(e) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicant shall attend the trial regularly.

(g) The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall abide by the other conditions imposed on the applicant while enlarging the applicant on bail vide order dated 05.11.2015.

6. The application is disposed of.

7. Interim application is also disposed of.

8. The investors are at liberty to make appropriate application/s before the Special Court for withdrawal of the amount which application/s shall be considered by the Special Court on its own merits and in accordance with law.

(M. S. KARNIK, J.)