



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

CRIMINAL APPLICATION NO. 244 OF 2023

SACHIN CHHABURAO JATHAR ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Amit Pardeshi a/w Adv. Chinmay Patil for the Applicant.
Ms. Veera Shinde, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 03, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** By this application, the applicant challenges the condition imposed in clause (2) of the operative part of the order dated 09/10/2023 passed by the Sessions Judge, Pune in Bail Application No. 5413 of 2023, thereby granting bail to the applicant.
- 3.** The investigation is complete and the charge-sheet has been filed. The trial Court by its order dated 09/10/2023 passed below exhibit 1 in Criminal Bail

Application No. 5413 of 2023 enlarged the applicant on bail on the condition that of depositing Rs.51,00,000/- prior to his release on bail and the remaining amount of Rs.51,00,000/- in five equal instalments of Rs.10,20,000/- within 6 months from the date of his release on bail.

4. Learned counsel for the applicant submitted that though the order was passed on 09/10/2023, he could not avail the bail as it is not possible for him to abide by the above condition. Learned counsel for the applicant further, on instructions, submitted that other co-accused have been released on bail on the condition of depositing 20% of the amount of which they are alleged to be the beneficiary/responsible. So far as the applicant is concerned, the applicant is alleged to be a beneficiary of Rs.1,02,00,000/-. Learned counsel for the applicant, on instructions of the applicant's wife, submitted that 20% of the alleged amount of Rs.1,02,00,000/- which works out to Rs.20,40,000/- will be deposited by the applicant to show his bonafides.

5. An affidavit-cum-undertaking dated 03/11/2023 of the applicant's wife - Megha Sachin Jathar is taken on record. In

the affidavit, it is stated that a sum of Rs.3,00,000/- will be deposited immediately before the trial Court before the release of the present applicant on bail and the remaining amount of Rs.17,40,000/- will be paid in 3 equated instalments within a period of 90 days from the date of release of the applicant. Learned counsel for the applicant, on instructions, submitted that the applicant will abide by the statements mentioned therein.

6. Learned APP opposed the application. It is submitted that the trial Court was justified in imposing the condition as a huge amount is involved.

7. In my opinion, the condition imposed on the applicant is onerous. The applicant has not been able to avail the bail granted as far back as on 09/10/2023 because of this condition. The applicant can be enlarged on bail by imposing the same conditions as in respect of other accused. The condition to deposit is modified. The applicant shall deposit the amount in terms of the affidavit-cum-undertaking filed by his wife Megha Sachin Jathar. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant to deposit sum of Rs. 3,00,000/- before the trial Court before the release of the applicant on bail.
- (c) The balance amount of Rs.17,40,000/- will be deposited within a period of 90 days from the date of release of the applicant on bail.
- (d) The applicant shall file an affidavit before this Court within a period of 2 week from the date of this release on bail, confirming the statements made in the affidavit-cum-undertaking filed on his behalf by his wife – Megha Sachin Jathar.
- (e) Except to the extent of modification as above, other conditions mentioned in the operative part of the order dated 09/10/2023 remain unaltered.
- (f) The applicant be enlarged on bail in terms of the trial Court order.

8. The application is disposed of.

(M. S. KARNIK, J.)