



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

BAIL APPLICATION NO. 3860 OF 2023

LAV AWADHKISHORE GUPTA

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Ritesh Kesarwani a/w Adv. Praveena Venkatraman and
Adv. Krunal Jadhav i/b Law Global, for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

API- Mr.Santosh Tagad, Sion police station present.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 21, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under sections 420, 465, 467, 471 read with 34 of the Indian Penal Code, 1860 registered on 24/05/2023 vide C.R. No.164 of 2023 with Sion police station.
- 3.** The applicant is the accused no.1. Accused no.2 has been enlarged on bail. The applicant was arrested on 29/06/2023.
- 4.** The prosecution case is that one Manohar Kashinath Patole lodged the FIR with Sion police station alleging

therein that his daughter Sanika was seeking admission for MBBS course and the applicant came in contact with Dr. Akhilesh Pal and Rakesh Varma, Deputy Dean of Sion Hospital and that he paid a sum of Rs. 65,00,000/- for securing admission for his daughter Sanika for MBBS course. Out of Rs.65,00,000/-, a sum of Rs. 36,00,000/- is deposited in the account of the applicant and a sum of Rs.11,50,000/- was transferred in the account of Saheba, daughter of Rakesh Varma, Deputy Dean of Sion Hospital. The applicant was arrested on 29/06/2023.

5. Learned APP opposed the application for bail contending that the informant has been cheated by making false promise.

6. Learned counsel for the applicant submitted that the applicant is in custody since 29/06/2023. The applicant is willing to deposit a sum of Rs.36,00,000/- in the trial Court to show his bonafides without prejudice to his rights and contentions. Learned counsel for the applicant prays that the applicant may be granted 6 months time to make the aforesaid payment and the applicant is willing to file an affidavit to that effect. Learned APP opposed for this

request. Learned APP submitted that there are as many as 13 C.Rs reported against the applicant of similar nature.

7. The applicant is in custody for almost 6 months. The investigation is complete. The charge-sheet has been filed. The applicant has voluntarily agreed to deposit Rs. 36,00,000/- within 6 months. No doubt there are criminal antecedents reported against the applicant which in my opinion by itself should not be a reason to deprive the applicant the facility of bail. The trial is likely to take a long time to conclude. The applicant will face the consequences post-trial if found guilty. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail. The 1st installment of Rs. 12,00,000/- be deposited in the trial Court within 8 weeks from the date of the release of the applicant. The 2nd installment of Rs.12,00,000/- be deposited in the trial Court within 16 weeks from the date of the release of the applicant. The last installment of Rs.12,00,000/- be deposited in the trial Court within 24 weeks from the date of the release of the applicant. The statements are accepted as an undertaking to this Court. The applicant to file an affidavit within a period of 15 days

from the date of his release that the aforesaid amounts will be deposited in the manner which has been stated in this order as per his instructions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Lav Awadhkishore Gupta in connection with C.R. No.138 of 2023 registered with Sion police station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 50,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the investigating officer of Sion police station once in two months commencing from January 2024 on every first Monday of the alternate month between 11.00 a.m. and 1.00 p.m.
- (e) 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.

(f) 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.

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

(h) The applicant shall surrender his passport to the investigating officer. If the applicant does not have passport, he shall file the affidavit to that effect.

(i) The which is so deposited shall be invested in the nationalised bank which shall be abide by further orders of the trial Court.

(j) The applicant shall be abide by the statements made in this order.

8. The application is disposed of.

(M. S. KARNIK, J.)