



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

917 BAIL APPLICATION NO. 633 OF 2024

RECARDO CRISTOPHER GOMES
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Rajendra N. Chavan.
APP for Respondent/State : Mr. Rajdeep D. Raut.
...

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 24th April, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.8 of 2023, registered with Cyber Police Station, District Jalgaon, for the offences punishable under Sections 420 and 409 read with 34 of the Indian Penal Code and under Section 66-D of the Information and Technology Act.

3 The earlier bail application of this applicant bearing Bail Application No.1838 of 2023 was allowed by this Court by order dated 8th November, 2023. Sub-clause (a) of clause (ii) of the operative part of the said order reads as under:-

“(a) The applicant shall deposit the entire amount of Rs.11,03,800/- with the trial court as a condition precedent for his release on bail.”

4 The applicant could not comply the direction to deposit entire amount of Rs.11,03,800/-. Therefore, he prayed for relaxation of condition imposed by this Court by filing Criminal Application No.558 of 2024 before this Court. It was turned down by order dated 28th February, 2024. However, liberty was given to the applicant to file application before the Trial Court if there is change in circumstances. The applicant moved Criminal Bail Application No.375 of 2024 before the Sessions Court, Jalgaon. It was rejected by the learned Additional Sessions Judge, Jalgaon holding that there is no change in circumstances and the amount of Rs.11,03,800/- is not deposited by this applicant.

5 The learned counsel for applicant, on instructions, submitted that the applicant is ready to deposit 50% amount prior to releasing him on bail in the Trial Court. It is lastly prayed to allow the application.

6 The learned APP for the State strongly opposed the application. It is lastly prayed to reject the application.

7 Considering the peculiar set of facts of this case, it would be proper to grant facility of installments to the applicant to pay the entire amount of Rs.11,03,800/- in the Trial Court. Considering all these aspects, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. First the applicant shall deposit Rs.5,55,000/- in the Trial Court.
- III. If the said amount of Rs.5,55,000/- is deposited in the Trial Court, then the applicant in connection with Crime No.8 of 2023, registered with Cyber Police Station, District Jalgaon, for the offences punishable under Sections 420 and 409 read with 34 of the Indian Penal Code and under Section 66-D of the Information and Technology Act, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicant shall not tamper with the prosecution evidence, in any manner.
 - c) The applicant shall deposit Rs.2,00,000/- in the Trial Court within four months from today, Rs.200,000/- in the Trial Court within eight months from today and the remaining amount of Rs.1,48,800/- in the Trial Court within twelve months from today.

- d) If the said amount is not deposited by this applicant then the Trial Court is at liberty to cancel his bail and arrest him and keep him behind bars without reference to this Court.
- e) The applicant shall submit undertaking before the Trial Court that he is ready to deposit the amount by installments as per the above directions, within four days after his release on bail.
- f) If the said undertaking is not submitted before the Trial Court, the Trial Court can cancel the bail granted to this applicant without reference to this Court.
- g) The Trial Court shall keep the said amount in the fixed deposit in any nationalized bank and decide as to whether to pay that amount to the applicant or informant at the time of final decision of trial.
- h) If the applicant intends to leave the State of Maharashtra, he has to apply before the Trial Court for permission.
- i) The applicant shall not go abroad, except with the leave of the Trial Court.
- j) All these conditions are in addition to the conditions imposed by this Court while granting bail to this applicant by order dated 8th November, 2023 passed in Bail Application No.1838 of 2023.

8 If breach of any of the above conditions is noticed by the Trial Court, the Trial Court is at liberty to cancel the bail of this applicant without reference to this Court.

[SANJAY A. DESHMUKH, J.]

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