



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1809 OF 2024

VINOD MOHAN JAVAK
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Rahul R. Karpe
APP for Respondent : Ms. Vaishali S. Chaudhari
...

CORAM : S. G. MEHARE, J.

DATE : 17-10-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent.
2. The applicant seeks bail in C.R.No.75 of 2019 registered with Ahmednagar Police Station, Taluka and District Ahmednagar, for the offences punishable Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code.
3. This Court granted him bail considering his offer to deposit Rs.10,00,000/- (Rs.Ten Lakh) within six weeks. This Court had observed that the applicant, on his own, came forward to deposit a sum of Rs.10,00,000/- (Rs.Ten Lakh). In view of the same, the Court granted him bail. The Court has considered the first information report and related papers while considering his earlier bail application. The applicant failed to show his *bona fide* to deposit Rs.10,00,000/- (Rs.Ten Lakh). The applicant has duped the bank. However, the police could not recover a single penny of the

duped amount.

4. The learned counsel for the applicant submits that the earlier order of the applicant was not decided on merit. He further argued that the applicant is behind bar from 01.12.2021. There is no progress in trial.

5. The learned A.P.P. submits that the trial did not progress due to violation of bail condition order. The matter is ready and charges are to be framed.

6. In the earlier bail application, the Court was not inclined to grant him bail. Therefore, the applicant cannot say that he has right to argue the application on merit. A *prima facie* evidence was considered by this Court in the earlier order. The Court is aware that the criminal court cannot impose condition on the accused to deposit money to ensure the recovery of defrauded amount. However, the case in hand is different. The accused himself had offered to deposit Rs.10,00,000/- (Rs.Ten Lakh) and sought time. Hence, the Court had granted him bail. In fact, there is no change in circumstances. The applicant himself is responsible for complying with his offer of depositing Rs.10,00,000/-(Rs.Ten Lakh).

7. For the above reasons, the application stands dismissed.

(S. G. MEHARE)
JUDGE