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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL REVISION APPLICATION NO. 271 OF 2024
WITH
CRIMINAL APPLICATION NO. 4639 OF 2024
IN REVN/271/2024

PRAKASH VITTHAL AAPET
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Kamlakar Jalindarrao Suryawanshi
APP for Respondent - State : Mr. N. B. Patil
Advocate for Applicant – Intervenor : Ms. Sushama T. Jadhav h/f. Mr.
P. D. Suryawanshi.

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 09 DECEMBER, 2024

PER COURT :-

1. In above revision, there is challenge to the order dated 30.09.2024 passed by learned Additional Sessions Judge, Majalgaon, Dist. Beed in Criminal Miscellaneous Application No. 22 of 2024.

2. Learned counsel for revisionist submitted that, FIR bearing No. 54 of 2024 is registered against present applicant and others at Majalgaon Police Station for offence punishable under sections 409, 420, 465, 467, 468, 471, 472 read with section 34 of Indian Penal Code (IPC). That, applicant was arrested on 22.02.2024 and thereafter he applied for bail by invoking section 439 of the Code

of Criminal Procedure. The said application was allowed by order dated 19.03.2024 by imposing conditions. Learned counsel took this court through the operative part of the said order, wherein conditions were imposed. He also pointed out that, there were directions that in view of undertaking given by accused at Exh.15, amount of Rs.17,40,719/- was agreed and accepted to be deposited. However, it is pointed out that, as applicant was behind the bars he was disabled from raising amount at that time and as such, condition imposed could not be met. Therefore, application was moved before the learned trial court seeking further time to deposit the amount, however, by order dated 30.09.2024 such application was turned down and hence the present revision.

3. Learned counsel for original complainant - intervenor opposes the above submissions and the prayers and pointed out that amount has not been deposited yet.

4. After considering the submissions advanced, it seems that, present revisionist was booked for above offences vide FIR No. 54 of 2024 by Majalgaon Police Station and after arrest and while in MCR, on his application for bail, he was granted conditional bail. It

seems that learned Additional Sessions Judge allowed bail application subject to conditions imposed therein. Amongst several conditions, condition imposed at clause (c), with which now this court is concerned, is as under:-

“(c) In case the applicant fails to comply with the undertaking vide pursis Exh.15 filed on his behalf, his bail shall stand automatically cancelled unless the same is extended by the learned Trial Court at his instance.”

5. Therefore, from the above order, it is apparent that, revisionist having himself taken responsibility of depositing the amount, was expected to comply, but he failed to do so. Now, reason put-forth for non compliance is reflected in paragraph nos. 5 and 6. It appears that, out of Rs.17,40,719/-, some amount has been paid. Today, statement is made across the bar that applicant is about to reach to a transaction of sale of land i.e. by way of agreement and he has also received earnest amount to the tune of Rs.2,75,000/-. That, he has already made provisions to raise amount of Rs.17,00,000/- in all and that he would deposit the amount as agreed. Hence prayers for extension of time to deposit the amount.

6. Taking the above fact into consideration, as applicant is

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already granted bail and on his application (Exh.15), he was expected to deposit amount, but because of financial constraints and the fact that he was behind the bars, the deadline given could not be met. Therefore, in the interest of fair opportunity, time to deposit amount is required to be extended. Hence, following order is passed :-

ORDER

- (i) The criminal revision application is allowed in terms of prayer clause (B) and disposed off accordingly.
- (ii) The Criminal Application No.4639 of 2024 is also disposed off.

(ABHAY S. WAGHWASE)
JUDGE