

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

**INTERIM APPLICATION NO. 690 OF 2024
IN
CRIMINAL BAIL APPLICATION NO. 429 OF 2023**

Amol @ Avikumar Dhondiram Dhule	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Vinod Kashid for Applicant.
Ms. Mahalakshmi Ganapathy, APP for State/Respondent.
Mr. Agastya Desai a/w. Nishi Singhvi for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 7 MARCH 2024**

P.C. :

1. The applicant has filed this interim application in Criminal Bail Application No.429 of 2023. This Court vide the order dated 21.04.2023 had decided the Criminal Bail Application No.429 of 2023.

2. The applicant was directed to be released on bail in connection with C.R.No.176 of 2018 registered with Cuffe Parade police station. It was transferred to the Economic Offences Wing and they have registered their own C.R.No.77 of 2018. The charge-

VINOD
BHASKAR
GOKHALE

Digitally signed by
VINOD BHASKAR
GOKHALE
Date: 2024.03.11
12:18:57 +0530

sheet is already filed. As of today, nine witnesses are examined. This Court had observed in the said order that, if the allegations made in the charge-sheet against the applicant were true, the offence was quite serious. However, it was also observed that the applicant could not be kept in custody for an unreasonable period till the offence is proved against him. At the time of passing of that order, the applicant was already in custody for more than three and half years. On these observations, the order was passed containing the following operative part.

ORDER

- i) The Applicant is permitted to deposit Rs.79,69,375/- before the Trial Court.
- ii) If such an amount is deposited, it shall be kept in a Fixed Term Deposit; to be renewed from time to time.
- iii) The Trial Court shall consider disbursing of that amount at the conclusion of the trial in accordance with law.
- iv) After such amount is deposited, the applicant is directed to be released on bail, in connection with C.R.No.176 of 2018 registered with Cuffe Parade police station and subsequently registered with the Economic Offence Wing vide their own C.R.No.77 of 2018, on his furnishing P R. bond in the sum of Rs.100000/- with one

or two sureties in the like amount.

- v) The Applicant shall deposit his Passport, if any, with the Investigating agency, before being released on bail.
- vi) The Applicant shall report to the Investigating Agency once in a fortnight till conclusion of the trial.
- vii) The Applicant shall attend every date before the Trial Court and shall co-operate with early disposal of the trial.
- viii) The Applicant shall not tamper with the prosecution evidence.
- ix) The Application is disposed of.

3. The applicant had volunteered to deposit the said amount of Rs.79,69,375/- before the Trial Court. That order was passed on 21.04.2023 and till today he could not arrange for that amount. Therefore, the present application is filed for modification of that operative part and in particular of clause Nos.(i) and (iv).

4. Heard Mr. Vinod Kashid, learned counsel for the Applicant, Ms. Mahalakshmi Ganapathy, learned APP for the State and Mr. Agastya Desai, learned counsel for the Intervenor.

5. Today, the applicant and his wife have tendered their

separate affidavits before the Court. It was mentioned that, he could not make arrangement to deposit said amount, but he has shown his willingness to deposit that amount in installments. He has given this undertaking voluntarily. Paragraph 5 of the applicants' affidavit reads thus:

“I say that out of the total amount of Rs.79,69,375/-, now I am ready to deposit an amount of Rs.29,69,375/- (Rupees Twenty-Nine Lakhs Sixty-Nine Thousand Three Hundred Seventy-Five Only) before the Trial Court on or before my release on bail and the remaining balance of Rs.50,00,000/- (Rupees Fifty Lakhs Only) in two installments within the period of nine months i.e., (i) Rs.25,00,000/- (Rupees Twenty-Five Lakhs Only) within the period of six months from the date of releasing me from Jail and (ii) the remaining balance of Rs.25,00,000/- (Rupees Twenty-Five Lakhs Only) thereafter, within period of three months or any other conditions as this Hon'ble Court may deem fit and proper.”

6. As mentioned in the earlier order, the applicant cannot be kept in custody if the trial is not concluded within a reasonable period. Therefore, the averments made by the applicant in his affidavit are acceptable.

7. In this view of the matter, the order dated 21.04.2023

needs to be modified.

8. It is made clear that the submission made by the applicant to deposit the said amount is purely voluntarily. This voluntary statement is treated as an undertaking before this Court.

9. Hence, the following order :

O R D E R

- i) The Applicant is permitted to deposit an amount of Rs.29,69,375/- before the Trial Court, before his release on bail.
- ii) After that amount is deposited, the applicant shall be released on bail, in connection with C.R.No.176 of 2018 registered with Cuffe Parade police station and subsequently registered with the Economic Offence Wing vide their own C.R.No.77 of 2018, on his executing P. R. bond in the sum of Rs.100000/- with one or two sureties in the like amount.
- iii) The Applicant is permitted to deposit Rs.25,00,000/- within a period of six months from the date of his release from Jail on bail and the balance amount of Rs.25,00,000/- thereafter

within a period of three months.

- iv) After those amounts are deposited, they shall be kept in a Fixed Term Deposit; to be renewed from time to time.
- v) The Trial Court shall consider disbursing of that amount at the conclusion of the trial in accordance with law.
- vi) The Applicant shall deposit his Passport, if any, with the Investigating agency, before being released on bail.
- vii) The Applicant shall report to the Investigating Agency once in a fortnight till conclusion of the trial.
- viii) The Applicant shall attend every date before the Trial Court, unless prevented by a reasonable cause and shall co-operate with the early disposal of the trial.
- ix) The Applicant shall not tamper with the prosecution evidence.
- x) The Application is disposed of.

(SARANG V. KOTWAL, J.)