

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 865 OF 2021

1. Vishnu Pandurang Dalvi
2. Vijay Chandrakant Supekar
3. Sunil Raghunath Vandre } ..Applicants

V/S.

State of Maharashtra } ..Respondent

Ms. Anima Mishra a/w. ***Mr. Akshay Mishra*** i/by. ***Hulyalkar & Associates,***
for the Applicants.

Mr. Shubham Yadav, for the Complainant.

Mr. Ashok S. Gawai, APP for the State.

CORAM : SANDEEP V. MARNE, J.

Dated : 18 APRIL 2024.

P.C. :

1) This is an application seeking pre-arrest bail in connection with investigation of Crime No. 34/2020 registered at Deola Police Station, Nashik for offences punishable under Sections 409, 406, 420, 120B read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

2) When the application came up before this Court, this Court recorded that the total amount deposited by the First Informant with the Applicants is Rs.28,00,000/- out of which the Applicants repaid an amount of Rs.13,50,000/-. This Court recorded willingness on the part of the Applicants to deposit amount of Rs.5,00,000/- before this Court. Accordingly, it appears that the Applicants have deposited an amount of Rs.5,00,000/- in this Court.

3) It is submitted that further amount of Rs.2,50,000/- has already been returned to the First Informant by way of Demand Draft. Thus, the total amount of Rs.21,06,000/- has already been secured and the balance amount due and payable by the Applicants to the First Informant is Rs.6,94,000/-.

4) The learned counsel appearing for the First Informant admits receipt of amount of Rs.16,06,000/- and is agreeable for arrangement for withdrawal of amount deposited in this Court and for payment of balance amount of Rs.6,94,000/- to him.

5) In view of the fact that the amount involved in the alleged crime is sought to be cleared by the Applicants, in my view, the interim protection granted in favour of the Applicants deserves to be made absolute.

6) Accordingly, the statement made on behalf of the Applicants that they shall pay to the First Informant amount of Rs.6,94,000/- within 8 weeks from today is recorded as an

undertaking given to the Court. The First Informant is permitted to withdraw the amount deposited in this Court alongwith accrued interest.

3) With the above observations, the interim protection granted in favour of the Applicants is made absolute. It is further clarified that in the event the Applicants fail to pay to the First Informant amount of Rs.6,94,000/- within the stipulated period, the protection granted in their favour shall automatically come to an end and there would be no embargo on arrest of the Applicants. With the above observations, the Anticipatory Bail Application is **disposed of**.

[SANDEEP V. MARNE, J.]

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