

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

ANTICIPATORY BAIL APPLICATION NO. 1200 OF 2024

1. Soumyabrata Roy		
2. Tapobrata Roy	...	Applicants
Versus		
The State of Maharashtra & Anr.	...	Respondents

None for the Applicant.

Ms. Rutuja A. Ambekar, APP for Respondent No.1-State.

Ms. Rebecca Gonsalvez (through legal-aid) for Respondent No.2.

**CORAM: MANISH PITALE, J.
DATE : 16th DECEMBER 2024**

P.C. :

1. None for the applicants. While the learned APP for the State and the learned counsel appearing for respondent No.2 are present and ready for arguments.

2. The learned counsel appearing for respondent No.2 points out that the applicants have not abided by their undertaking to pay installment of Rs.25,000/- by 14th December 2024. It is submitted that therefore, this Court may consider dismissing the application.

3. On 12th December 2024, this Court passed the following order :

“ On 11.11.2024, this Court had recorded in paragraph Nos.2 and 3 as follows:

“2. Today, this Court is informed that after the order dated 23.10.2024 was passed, the applicant No.2 paid further amounts of ₹ 7,000 and ₹ 25,000. The learned counsel for the applicant has tendered an email sent by the informant, who has agreed for an arrangement, whereby the balance amount of ₹ 1,00,000, shall be paid by applicant No.2 in four installments of ₹ 25,000 each on 11.11.2024 (today), 29.11.2024, 14.12.2024 and 28.12.2024. The copy of email is taken on record and marked as ‘X’.

3. In view of the above, list the present application for further consideration on 02.12.2024 at the top of the list, in order to examine the bona fides of applicant No.2, as regards payment of the aforesaid installments.”

2. The interim order was continued.

3. When the application is called out for hearing, it is brought to the notice of this Court that while the first of the 4 installments, was paid on 11.11.2024, the second installment of ₹ 25,000/- was not fully paid and that ₹10,000/- remained balance.

4. In the morning session, a submission was made on behalf of the applicants that they would pay the said balance amount of ₹ 10,000/- alongwith the next installment of ₹ 25,000/-, due on 14.12.2024. This Court gave time only till the afternoon session for the applicants to take appropriate steps to make good the shortfall of ₹ 10,000/-, failing which it was indicated that the application would be dismissed.

5. When the application is called out in the afternoon session, the learned counsel for respondent No.2 confirms the fact that between the morning session and now, the aforesaid amount of ₹ 10,000/- was indeed paid by the applicant.

6. This is an unfortunate situation, when this Court is required to monitor the compliance of specific direction given to the applicant.

7. The next installment of ₹ 25,000/- is to be paid by the

applicant to the respondent on 14.12.2024. Considering the aforesaid conduct of the applicant, list this application on 16.12.2024 at the top of the list.

8. It is made clear that if there is any default in payment of the said installment, this application shall be dismissed without showing any further indulgence to the applicants.

9. The interim order shall continue to operate till the next date.”

4. Today, there is no appearance on behalf of the applicant and it is specifically reported to this Court that the installment of Rs.25,000/-, which was required to be paid by 14th December 2024, has not been paid. This clearly shows the applicants have violated the undertaking given to this Court, which was one of the conditions on the basis of which interim order was granted in their favour, as per order dated 9th May 2024 and continued from time to time.

5. It is to be noted that as regards the applicant No.1, this application already stood dismissed as per order dated 23rd October 2024. In the light of the aforesaid conduct of the applicant No.2, no further indulgence can be shown.

6. Hence, the application is dismissed and the interim order, operating in this application, stands vacated.

MANISH PITALE, J.