

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
Vs.
State of Maharashtra and another ... Respondents

Ms. Neha Bhavsar i/b. Mr. Adityaraj A. Chavan for Applicants.

Ms. R. V. Newton, APP for Respondent No.1-State.

Mr. Chetan Patil i/b. Ms. Rebecca Gonsalvez for Respondent No.2.

CORAM : MANISH PITALE, J.
DATE : OCTOBER 23, 2024

P.C. :

. Heard Ms. Bhavsar, learned counsel for the applicants, Ms. Newton, learned APP for the respondent-State, as also Mr. Patil, learned counsel appearing for the first informant.

2. On 30.04.2024, this Court (Coram: Sarang V. Kotwal, J.) passed an order in the instant application, recording that the applicants were ready to explore the possibility of the settlement as the amount due to the informant was Rs.6,20,000/-. In that light, directions were issued to add the first informant as party respondent and it was directed that till the next date, the applicants would not be arrested.

3. Thereafter, the application came up for consideration on 09.05.2024, when two separate affidavits were tendered on behalf of the applicant Nos.1 and 2. The said affidavits were taken on record. The applicants in the said affidavits gave undertakings to pay specific amounts to the first informant. They provided a specific schedule for payment of such amounts. The applicant No.1 was to pay total amount of Rs.1,60,000/- on different dates on or before 07.08.2024, and the

applicant No.2 was similarly required to pay as per the affidavit, total amount of Rs.3,80,000/- on different dates till 07.08.2024. In the light of the said affidavits being taken on record, interim relief was granted in favour of the applicants.

4. Today when the application was called out for hearing, initially a prayer was made for adjournment, but when the same was vehemently opposed by the learned APP as well as the learned counsel appearing for the first informant, the application was kept back for appropriate instructions to be taken by the learned counsel for the applicants.

5. On instructions, the learned counsel for the applicants submits that while the applicant No.1 has not paid any amount despite the aforesaid affidavit placed before this Court, the applicant No.2 has paid an amount of Rs.2,47,000/-, out of total amount of Rs.3,80,000/- that the said applicant was supposed to pay in terms of his affidavit.

6. It is to be noted that interim relief was granted in favour of the applicants in the light of voluntary statements made on their behalf as also specific affidavits tendered on their behalf, which were taken on record. The applicant No.1 has completely misused the liberty granted by this Court on the basis of statements made in the said affidavit. He has failed to pay in terms of the schedule specified in the affidavit (not even a single penny has been paid). Therefore, insofar as the applicant No.1 - Soumyabrata Roy is concerned, on this ground alone, the application deserves to be dismissed as against him.

7. As regards the applicant No.2 - Tapobrata Roy, even the first informant concedes that an amount of Rs.2,47,000/- has been received after the affidavit was tendered on behalf of the said applicant before this Court, but the balance amount has not been paid.

8. Considering the fact that the applicant No.2 has partly complied with the undertakings given in the said affidavit, this Court is inclined to show indulgence insofar as the said applicant is concerned.

9. In view of the above, the application, insofar as the applicant No.1 is concerned, stands dismissed.

10. As regards, the applicant No.2, the application shall be listed for further consideration on 25.10.2024 at the top of the supplementary list.

11. The interim order, only insofar as the applicant No.2 is concerned, shall continue to operate till the next date.

(MANISH PITALE, J.)

Minal Parab