

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1213 OF 2024
IN
BAIL APPLICATION NO. 2010 OF 2015**

Deepak Omprakash Gupta ... Applicant
vs.
The State of Maharashtra and another ... Respondents

Mr. Pradeep Yadav for applicant.
Mr. Kiran C. Shinde, APP for respondent No.1-State.
Mr. Vivek S. Sawant for respondent No.2-Bank.

**CORAM : MANISH PITALE, J.
DATE : 04th DECEMBER, 2024**

P.C. :

. Heard learned counsel for the applicant, the learned APP for the respondent No.1-State as well as the learned counsel appearing for respondent No.2-Bank.

2. Although on earlier occasions, some directions were issued by this Court in the context of a subsisting loan on the flat in question, today when this application is taken up for consideration on merits, it is found that prayer clause (a) of the application certainly cannot be granted. Prayer clause (b) being only a subsidiary prayer can also not be granted.

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3. This Court has reached the aforesaid conclusion on appreciating an order passed as far back as on 30.03.2016, when this Court allowed Bail Application No.2010 of 2015 of the applicant, by imposing specific conditions. While recording the statements made before this Court on behalf of the applicant in the said order, it was

found that the applicant had undertaken to deposit ₹ 1 crore within 3 months, if bail was to be granted. Reference was made to the effort that would be made by the applicant to sell the aforesaid flat to raise monies for abiding by the aforesaid undertaking.

4. In that context, while granting bail to the applicant, this Court *inter alia* imposed the following conditions:

- “c) He shall deposit Rs.20 lacs out of one Crore in the bank before he avails the bail.
- d) As per the undertaking given, he shall deposit Rs.80 lacs within three months from the date of his release on bail.”

5. The applicant did deposit the amount of ₹ 20 lakhs and availed bail. But, he could not abide by his undertaking to deposit balance amount of ₹ 80 lakhs within 3 months from the date of his release on bail.

6. It is for this reason that the applicant moved an application bearing No.482 of 2016 in Bail Application No.2010 of 2015, seeking extension of time by 6 months to comply with the said order.

7. By order dated 13.07.2016, the said application was partly allowed by granting extension of time by 4 months from the date of the order, for the applicant to deposit the said balance amount of ₹80 lakhs with the bank. It appears that the applicant could not deposit the amount within the extended period of time also and further application bearing No.937 of 2016 in Bail Application No.2010 of 2015 was moved. Since copy of the said application is not on record, it is not clear as to for what purpose the said application was moved. But it seems that the said application was

also moved for further extension of time. By order dated 19.08.2023, the said application was disposed of as infructuous for non-appearance on behalf of the applicant.

8. It is in this backdrop that the present interim application was moved by the applicant in the disposed of bail application. Prayer clause (a) of the present application shows that further extension of time of 6 months is being sought by the applicant for depositing the aforesaid amount of ₹ 80 lakhs with the bank. Such a prayer, at this point in time, cannot be entertained, for the reason that the applicant has flouted the undertaking given to this Court, as recorded in the order dated 30.03.2016, despite the fact that on one occasion, on 13.07.2016, he was already granted extension of time by 4 months.

9. It is surprising that despite having flouted the aforesaid condition, no proceedings were initiated for cancellation of bail granted to the applicant. Instead, after a period of 7 years, the present application has been moved for extension of time to abide by the said undertaking. Such a prayer, at this point in time, cannot be entertained.

10. The application is dismissed.

(MANISH PITALE, J)

Priya Kambli