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. Rishi Bhuta a/w. Mr. Saumitra Salunke, Ms. Swapnali Chavan, i/b. Pradeep Yadav for applicant.

Ms. Rutuja Ambekar, APP for respondent No.1-State.

Mr. Vivek S. Sawant for respondent No.2.

CORAM : MANISH PITALE, J.
DATE : 19th JUNE, 2024

P.C. :

. Heard learned counsel for the applicant, the learned APP for respondent No.1-State and the learned counsel appearing for the respondent No.2-bank.

2. The learned counsel for the applicant referred to condition (d) in the order dated 30.03.2016, whereby his bail application was allowed. As per the said condition, within three months from the date of his release on bail, the applicant was required to deposit ₹ 80 lakhs with the complainant-bank. An undertaking was indeed given to the Investigating Officer, wherein the applicant indicated that he intends to dispose of a flat to raise amount for fulfilling the aforesaid condition.

3. It is a matter of record that the applicant has not satisfied the said condition and strictly speaking, for violation of the said condition, the order granting him bail, ought to be cancelled.

4. But, it is pointed out that the applicant is unable to dispose of the said flat, for the reason that there was a loan pertaining to the said flat, taken from respondent No.2-bank, wherein there is outstanding amount due. According to the applicant, the outstanding amount of Rs.6,77,765 as on April 2024. It is brought to the notice of this Court that in a savings bank account with the respondent No.2-bank, an amount of Rs.7,50,099.08 of the applicant is lying in deposit. It is indicated that if the said amount is adjusted towards the outstanding loan amount, the original documents can be handed over by the respondent No.2-bank to the applicant for immediately taking steps for disposing of the flat. It is submitted that in the absence of original documents, inspite of publishing advertisement, prospective purchasers have not shown interest.

5. The learned counsel for the respondent No.2-bank submits that the applicant has never come forward to ascertain the outstanding amount due in the loan account and therefore, appropriate steps could not be taken.

6. In view of the proposal suggested on behalf of the applicant for adjusting the amount lying in the savings bank account, it would be appropriate that the respondent No.2-bank files a short affidavit to inform this Court about the exact amount outstanding from the applicant in respect of the aforesaid loan.

7. Let the affidavit be filed within one week from today.

8. List the application for further consideration on 28.06.2024, High on Board.

(MANISH PITALE, J)