



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 138 OF 2025
IN
BAIL APPLICATION NO. 1280 OF 2024

Dnyandev s/o Kundlik Sarode,
Age : 55 years, Occu: Auto Driver,
R/o. Someshwar, Post Rahati (Bk),
Taluka and District Nanded.

... Applicant

Versus

The State of Maharashtra
Through Police Station Vazirabad,
District Nanded.

... Respondent

.....
Mr. S. R. Bagal h/f Mr. B. N. Gadegaonkar, Advocate for the
Applicant.
Mrs. Vaishali S. Chaudhari, APP for Respondent-State.
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CORAM : ABHAY S. WAGHWASE, J.

DATED : 03 MARCH 2025

PER COURT :-

1. In the present application, prayers are raised for modification/relaxation of condition imposed by order of this Court dated 05.09.2024 in Bail Application No. 1280 of 2024 regarding depositing Rs.8,00,000/- (Rupees eight lakh only).

2. Learned counsel submitted that in view of above order, the applicant had undertaken to deposit the amount directed by selling his own property, however, current value of his house is shown to be only to the tune of Rs.1,74,855/- as on today and such amount is grossly inadequate to meet the condition of depositing Rs.8,00,000/- directed by this Court. Hence, he seeks modification.

3. Learned APP opposes on the ground that, inspite of conditional order being passed by this Court on 05.09.2024, more than six months have lapsed. That, there is economic fraud to the tune of crores of rupees and therefore learned APP strongly opposes relaxation of condition.

4. After considering the submissions and on going through the papers, it transpires that by virtue of registration of crime no. 92 of 2018 at Vazirabad Police Station, applicant preferred Bail Application No. 1280 of 2024 and after hearing learned counsel for the applicant as well as learned APP, this court on 05.09.2024 allowed the bail application by imposing following conditions :

“(a) The applicant should not tamper with the prosecution witnesses and should attend the trial on each and every date.

(b) The applicant should deposit Rs.8 lac within two months from today either by selling his house or making the arrangement of that amount. If the applicant fails, the Trial Court may pass appropriate orders in view of doctrine of estoppel.”

5. It is the condition at clause (b) which is now subject matter of the instant application seeking its modification. As submitted by learned APP, in the FIR wherein applicant is named, there are allegations of economic fraud to the tune of Rs.3,82,07,600/-. Present applicant is shown to be Vice Chairman of the co-operative society which is shown to be involved in commission of offence under Sections 420, 467, 468, 471, 472, 120(B) r/w 34 of IPC. After appreciating the nature of allegations and the magnanimity of the economic fraud, this Court had imposed the above condition. At the time of allowing bail application, this Court had granted two months time which apparently came to an end in September 2024. No efforts were done to seek further extension and now directly application is moved for modification of said condition. When this Court showed

disinclination to relax or modify the said condition, learned counsel sought eight weeks time to approach the Hon'ble Supreme Court.

6. In view of the above, eight weeks time is granted to the applicant in order to enable him to approach the Hon'ble Supreme Court. The application is accordingly disposed off.

[ABHAY S. WAGHWASE, J.]

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