

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.144 OF 2023

Satish Suresh Jadhav

...Applicant

Versus

State of Maharashtra & Ors.

...Respondents

Mr. Yogesh Birajdar , Advocate for Applicant.

Ms. P.P. Bhosale, APP for the State.

Mr. Sharad Bhosale a/w Ms. Heena Shaikh i/by Mr. Swapnil Pednekar for Respondent Nos. 2 and 3.

CORAM: MADHAV J. JAMDAR, J.

DATED : 9th June 2025

P.C.:

1. Heard Mr. Yogesh Birajdar, learned Counsel for the Applicant, Mr. Sharad Bhosale, learned Counsel for Respondent Nos. 2 and 3 and Ms. Bhosale, learned APP for Respondent No.1 – State.

2. The relief sought in this Criminal Application is to cancel the Order dated 9th January 2023 passed by a learned Single Judge by which ABA No. 2866 of 2022 and ABA No. 2867 of 2022 was allowed.

3. In the said Order dated 9th January 2023, a statement was recorded on behalf of the Applicant-Jeevandatta Argade (Applicant in ABA No.2866 of 2022) and Applicant- Nivedita Argade (Applicant in ABA No.2867 of 2022) that to show their *bonafides*, the said Applicants would deposit a sum of Rs.14,00,000/- before the learned Trial Court. The said statements are recorded in paragraph Nos. 6 and 7 of the said Order dated 9th January 2023, which read as under :

“6. Learned counsel for the applicants, however, submitted that to show their bonafides, the applicants are willing to deposit a sum of Rs.14 lakhs in terms of the schedule which has been tendered today by learned counsel for the applicants. As per this schedule, an amount of Rs.6 lakhs will be deposited before the Judicial Magistrate First Class, Barshi, on or before January 23, 2022. A further sum of Rs.3 lakhs will be deposited on or before February 28, 2023. The balance of Rs.5 lakhs will be deposited on or before March 30, 2023.

7. Learned counsel for the applicants, on instructions, submitted that thus a total amount of Rs.14 lakhs which will secure the interest of the investors, will be deposited on or before March 30, 2023 in terms of what is stated herein before. Statement accepted. The deposit will abide by the order of the competent Court.”

4. As the said Applicants have not complied with the statement made before this Court of deposit of sum of Rs.14,00,000/-, the present Criminal Application No.144 of 2023 has been filed seeking direction to cancel the anticipatory bail granted to the said Applicants by Order dated 9th January 2023 by exercising power under Section 439(2) of *Code of Criminal Procedure, 1973*.

5. A learned Single Judge has issued notice on 20th September 2023 and thereafter bailable warrants have been issued against the said Applicants i.e. Respondent Nos.2 and 3 in Criminal Application No. 144 of 2023 by Order dated 25th February 2025.

6. Thereafter said Applicants have filed Interim Application No.1197 of 2025 seeking extension of time to deposit said amount of Rs.14,00,000/-. A learned Single Judge has passed following Order on 26th March 2025.

“ Heard learned counsel for the Applicants and learned APP for the Respondent-State.

*2. The learned counsel for Respondent Nos.2 and 3 submit that **Respondent Nos.2 and 3 will deposit amount of Rs.7 lakhs before the Trial Court on or before 1st April 2025 and remaining amount of Rs.8 lakhs will be deposited on or before 2nd May 2025.** The statement*

of learned counsel appearing for Respondent Nos.2 and 3 is accepted.

3. In view of the statement made by the learned counsel for Respondent Nos.2 and 3, bailable warrant issued against Respondent Nos.2 and 3 is cancelled.

4. Stand over to 2nd May 2025 'for compliance'.

5. Interim Applications for setting aside the bailable warrant is disposed of.”

(Emphasis added)

7. Thereafter further Order has been passed on 2nd May 2025, which reads as under:

“ Heard learned counsel for the Applicant, learned APP for the Respondent-State and learned counsel for the Intervenor.

2. The learned counsel for the Applicant submit that, the Applicant had undertaken to this Court that, by 2nd May 2025 he will deposit Rs.8 lakhs before the Trial Court. Out of the Rs.8 lakhs by Monday i.e. on 5th May 2025, the Applicant will deposit Rs.5 lakhs before the Trial Court and requested for time to deposit Rs.3 lakhs.

3. Considering the submission of the learned counsel for the Applicant on or before 9th June 2025 the Applicant shall deposit remaining Rs.3 lakhs before the Trial Court.

4. Stand over to 9th June 2025.

5. Interim relief, if any, granted earlier, to continue till next date.”

(Emphasis added)

8. Mr. Bhosale, learned Counsel appearing for the present Respondent Nos.2 and 3 i.e. the Applicants in ABA No.2866 of 2022 and ABA No. 2867 of 2025 state that the above Orders dated 26th March 2024 and 2nd May 2025 have been complied with. He therefore state that resultantly the statement which have been made before a learned Single Judge, and recorded in the Order dated 9th January 2023 has been complied with.

9. Mr. Birajdar, learned Counsel appearing for the Applicant in Criminal Application No. 144 of 2023 confirms the said position.

10. As the statement made before this Court, which has been recorded in the Order dated 9th January 2023 is complied with, it is not necessary to cancel the anticipatory bail granted to the Respondent Nos.2 and 3 by said Order dated 9th January 2023.

11. Accordingly, Criminal Application No.144 of 2023 is disposed of.

(MADHAV J. JAMDAR, J.)