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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.235 OF 2011

Mrs. Lata Khera @ Anita Bhatia .. Applicant.

-versus

The State of Maharashtra .. Respondent.

WITH

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.236 OF 2011

Mr. Bhupendra Trivedi .. Applicant.

-versus

The State of Maharashtra .. Respondent.

Mrs. Kavita Gandhi, for the applicants.

Ms. S. D. Shinde, APP for the State.

Mr. Mahesh Jethmalani, Senior Counsel with Ms. Revati Mohite-Dere and Shri S.V. Gavand for the Complainant in all matters.

CORAM: R.C. CHAVAN, J.

DATED: 3rd October, 2011

P.C.

1. Heard learned counsel for the parties. It is most unfortunate that the applicants who have been given protection initially by an order dated 18th March, 2011 and continued from time to time, have taken this Court for a ride in

ignoring the undertakings which made from time to time while securing the orders. On 7th April, 2011, learned counsel for the applicant stated that their clients would be ready to deposit with the Investigating Officer, within 20 days the items of jewellery which they had acknowledged by signing Jangad receipts and an affidavit was filed to this effect. Therefore, it was observed that there was no question of applicant's being in custody or being subjected to custodial interrogation. Thereafter the applicants came with a case that there were some discrepancies in receipts of some of Jangad items which were in their possession and the counterfoils of those receipts which were in possession of police. The applicants also stated that there were no discrepancies in receipts as far as remaining items worth about Rs.4 crores were concerned and they would deposit those items or cash equivalent thereof on or before 7th May,2011. Therefore, the interim orders were directed to continue.

2. On 12th August, 2011 it was specifically agreed that after taking into account the value of items in List A as Rs. 86,32,000/-, the applicant would deposit a sum of Rs. 3,13,68,000/-. This amount was not deposited. On 28th September, 2011, the applicant stated that they would deposit a sum of Rs.50,00,000/-by 29th September, 2011 and therefore the matter was adjourned to 29th September, 2011.

On 29th September, 2011, when I was in the process of dictating the order, learned counsel Mr. Pradeep Tiwari came up with the submission that applicants are handing over a cash of Rs.50,00,000/- to the Investigating Officer and would deposit the balance amount of Rs.2,63,68,000/- either in the form of pay order or in cash, in this Court before 12.00 noon today i.e on Monday 3rd October, 2011. Today, rather than depositing the remaining amount, the applicants have come up with another advocate and submitted that the applicants have brought one crore and odd amount but cannot deposit the whole amount due. This attitude of the applicants is thoroughly depreciable. Since the undertakings given by the applicants from time to time have been breached, there is no question of granting any protection to the applicants. Both the applications are rejected. Interim orders in these two applications stand vacated.

3. Learned counsel for the applicants prayed for giving the applicants sometime to surrender. As the applicants have committed breach of their own undertakings, there is no question of giving them any time to surrender.

(R. C. CHAVAN, J.)