IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 201 OF 2024

Rahul Harishankar Tiwari ...Applicant

Versus

The State of Maharashtra ...Respondent

....

Mr. Aditya R. Mokashi, Advocate for the Applicant.

Mr. Tanveer Khan, A.P.P. for the Respondent – State.

Mr. Pravin Dale (Head Constable), Crime Branch Unit-4, Pimpri Chinchwad, present.

....

CORAM : N. R. BORKAR, J.
DATE : 07th MARCH, 2025

<u>P.C.:</u>

1. The applicant is an accused in Crime No.41 of 2021 registered with Nigdi Police Station, Pimpri Chinchwad for the offences punishable under Sections 406 and 420 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999.

2. By order dated 13.06.2023, the learned Additional Sessions Judge, Pune has allowed the bail application filed by

the applicant in the aforesaid crime and granted him bail on certain conditions. The operative part of the order reads thus:

ORDER

> “1] Criminal Bail Application No. 3310/2023 is allowed.
>
> 2] Accused applicant Rahul Harishankar Tiwari shall be released on temporary bail on execution of P.B. and S.B. in the sum of Rs.1,00,000/- with one or more sureties of the like amount and <u>he is further directed to deposit 50% of Rs.67,74,000 i.e. the amount of Rs.33,87,000/- prior to his release on bail and after his release on bail he should deposit remaining amount of Rs.33,87,000/- in three equal monthly installments i.e. Rs.11,29,000/-each. As such accused applicant shall deposit the total amount of rs. 67,74,000/- till the end of October 2023.</u>
>
> 3] Applicant shall attend the police station on every Monday during 11.00 a.m. to 1.00 p.m. till filing of charge-sheet.
>
> 4] Applicant shall file on record the authentic proof of residence-both permanent and present.
>
> 5] Applicant shall not tamper with prosecution witnesses or pressurize witnesses in any manner whatsoever.
>
> 6] Applicant shall not leave India without prior permission of this Court.
>
> 7] Applicant shall regularly remain present during the trial and co-operate to complete the trial for the above offences.
>
> 8] The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the Court,and shall inform the change in residence if any.

> 9] If breach of any of the above conditions is committed, the order of bail shall stand canceled."

3. The learned counsel for the applicant submits that the allegations of defrauding the investors are against the company by name Trade Money. If is submitted that the applicant was an employee of the Trade Money Company and has nothing to do with the alleged crime. It is submitted that the applicant is not in a position to pay the amount as directed by the Sessions Court and therefore condition to that extent may be relaxed.

4. On the other hand, the learned A.P.P. for the Respondent-State submits that the applicant has received in his bank account the amount of Rs.67,74,000/- from the Bank Account of the Trade Money Company. It is submitted that thus the Sessions Court directed the present applicant to deposit the said amount of Rs.67,74,000/-.

5. The learned counsel for the applicant has drawn my attention to the Affidavit filed by the investigating officer before the Sessions Court. It appears from the said Affidavit that after the deposit of the said amount of Rs.67,74,000/-, in

the bank account of the applicant he had transferred the amount of Rs.41,28,000/- to the bank account of the co-accused.

6. Inspite of the order of the bail in favour of the applicant, he is in jail for more than two years. It shows that the applicant is not in position to pay the amount as directed by the Sessions Court. In that view of the matter, I am inclined to realx the condition of deposit imposed by the Sessions Court. Accordingly, the said condition of deposit is relaxed/set aside.

7. Application stands disposed of accordingly.

(N. R. BORKAR, J.)