

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 1813 OF 2024

Sanket Ramchandra Bhadale ...Applicant
V/s.
The State of Maharashtra ...Respondent.

Mr. Kuldeep U Nikam, for the Applicant.
Mr. T. G. Khan, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 30.01.2025.

P.C. :

1. By order dated 11.10.2024, the Sessions Court granted bail to the present applicant on deposit of alleged defrauded amount. The operative part of the order reads thus:

“1] The bail application Exh. 4 in Spl. S.C.No. 965/2023 is hereby allowed on following conditions:-

i] The applicant Sanket Ramchandra Bhadale be released on bail in CR. 290/2023 of Sinhagad road police station for committing the offence punishable under sections 406, 420, 467, 468, 426, 471 r.w 34 of IPC, after executing PB and SB of Rs. 50,000/-.

ii] The accused have to deposit 40% of the total amount of cheating before releasing him on bail and thereafter he has to pay remaining 30% amount on 5th January 2025 and 5th March 2025 on installment.

iii] If he fails to comply any condition of the order of releasing the accused on bail, it will stands cancelled automatically.

2] The accused shall not tamper the witnesses.”

2. The learned counsel for the applicant submits that during the course of the hearing of bail application before the Sessions Court, the applicant had shown his willingness to deposit 10% of the total amount allegedly defrauded by him before his release and rest of the amount within a period of six months from the date of his release. It is submitted that the Sessions Court, however directed the applicant to deposit 40% before his release and rest of the amount as per clause (ii) of the operative order. It is submitted that the application was moved for modification, however, the Sessions Court has rejected it.

3. The learned counsel for the applicant submits that the applicant is not in a position to deposit the 40% of the amount before his release. It is submitted that the applicant therefore may be permitted to deposit 10% of the total amount before his release and the rest of the amount within six months from the date of his release.

4. On the other hand, the learned APP for the respondent-State submits that considering the nature of the offence the condition may not be modified.

5. In spite of bail order in applicant's favour, he is in jail for more than three months. The plea of the applicant that he is not in a position to deposit the 40% of the amount before his release therefore cannot be doubted. In that view of the matter, I am inclined to modify the condition in question.

6. The applicant shall deposit 10% of total amount of Rs. 30,71,796/- with the concerned MPID Court before his release and rest of the amount within a period of six months from the date of his release.

7. Criminal Application is disposed of accordingly.

[N.R.BORKAR, J.]