

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1851 OF 2024
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1977 OF 2023

Amita Chintaman Dabke Applicant/
First Informant

IN THE MATTER BETWEEN

Aslam Yasin Khan Applicant/
Accused

V/s.

State of Maharashtra & Anr. Respondents

WITH
INTERIM APPLICATION NO.5441 OF 2024
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1977 OF 2023

The State of Maharashtra Applicant

V/s.

Aslam Yasin Khan Respondent

Ms.Rebecca Gonsalves, for the Applicant/First Informant in IA
No.1851 of 2024.

Ms.Poonam P. Bhosale, APP, for Respondent-State.

Mr.Ritesh S. Karkera, for the Applicant/Accused in IA 1851 of
2024.

CORAM : SHIVKUMAR DIGE, J.

DATE : 02nd APRIL 2025

P.C:-

. By this Application, the Applicant-First Informant is seeking cancellation of anticipatory bail of the Applicant-Accused-Aslam Yasin Khan granted by this Court (Coram: Anuja Prabhudesai, J.) dated 18th July 2023.

2. The learned counsel for the Applicant submits that, this Court has granted Anticipatory bail to the Applicant-Accused on the ground of the Consent Terms executed between the Applicant-First Informant and Accused. As per the said consent terms the Accused had agreed to pay Rs.35 lakhs to the First Informant by 24th October 2023. Out of that, amount the Accused has not yet paid amount of Rs.10 lakhs. The learned counsel further submitted that, cheque issued by the Accused is dishonored. Hence, requested to allow the Application and cancel the bail of Accused.

3. It is contention of learned counsel for Applicant-Accused that, the Accused has paid Rs.31 lakhs out of Rs.41 lakhs and only Rs.10 lakhs are remained to be paid. The Accused is not in position to pay remaining amount. The Accused assures

to pay Rs.10 lakhs. To pay the said amount some time is needed. The investigation is completed. The charge-sheet has been filed. Hence, requested to reject the Application.

4. The learned APP submit that, appropriate order be passed.

5. I have heard all learned counsel. Perused FIR and documents produced on record.

6. This Court (Coram : Anuja Prabhudesai, J.) by order dated 18th July 2023 has allowed Anticipatory Bail Application of Accused on the basis of Consent Terms filed before this Court. As per said Consent Terms, the Accused shall pay whole amount by 24th October 2023. It is alleged that, the Respondent yet to pay Rs.10 lakhs to the Applicant.

7. It is contention of the learned counsel for the Applicant that, sufficient chances are given to the Accused to pay the said amount but he failed to pay. Whereas it is contention of the learned counsel for the Accused that, the Accused has paid major part of amount and due to financial condition he is not in a position to pay the remaining amount.

8. In my view, the anticipatory bail was granted to the Accused, as per Consent Terms, the Accused has not followed the terms mentioned in the Consent Terms filed before this Court. In order it is mentioned that if cheque issued by the Accused is dishonored the bail order shall stand recalled. The cheque issued by the Respondent is dishonored. Considering these facts, I pass following order.

ORDER

- (i) Application is allowed.
- (ii) The anticipatory bail in CR No.94 of 2023 registered with Ghatkoper Police Station granted to the Accused is recalled.
- (iii) The Investigating Officer to take further steps.
- (iv) In view of disposal of this Application, the Interim Application No.5441 OF 2024 filed for cancellation of the bail by the State is disposed of.

(SHIVKUMAR DIGE, J.)