

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 5251 OF 2024

IN

BAIL APPLICATION NO. 3860 OF 2023

Lav Awadhikishore Gupta

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

- Mr. M.S. Mulla for Applicant
- Ms. Shilpa K. Gajare-Dhumal, APP for State
- Mr. Santosh M. Kengale, PSI, Sion Police Station is present

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 27, 2025

P. C.:

1. Heard Mr. Mulla, learned Advocate for Applicant and Ms. Gajare-Dhumal, learned APP for State.

2. Present Interim Application is filed for seeking extension of time for depositing the amount of Rs. 24.50 lakh which was directed to be deposited by this Court within six months vide its order dated 21.12.2023 and corrected in the order dated 22.12.2023 while granting bail to the Applicant.

3. Applicant is indicted for the offence punishable under Sections 420, 465, 467, 471 read with 334 of the IPC. According to the prosecution, FIR is lodged by First Informant alleging that his daughter had secured admission for MBBS course and First Informant

paid an amount of Rs. 65 lakh for securing admission for his daughter to one Dr. Akhilesh Pal and Rakesh Varma, Deputy Dean of Sion Hospital. Admittedly out of this amount of Rs. 65 lakh, amount of Rs. 24.50 lakh was deposited in the bank account of the Applicant. Order dated 21.12.2023 stands corrected by a speaking to the minutes order dated 22.12.2023. While in custody, Applicant filed Bail Application No. 3860 of 2023 and through his Advocate volunteered and agreed to deposit the amount within six months. Pursuant to the said order, first installment was to be paid within a period of eight weeks from the date of his release. Applicant was released on 05.01.2024. Before 05.03.2024, he ought to have deposited the first installment of Rs. 12 lakh. Second installment was directed to be deposited within 16 weeks from his release. Applicant has shown complete disregard to the order passed by this Court especially in view of the fact that extension application filed for the first time on 13.12.2024 before this Court.

4. Now a days we read in the newspapers similar kind of scams. Such admission scams are on the rise. In the present case, not only there is breach of the Court's order, but clear misrepresentation made to the Court for securing bail.

5. I have heard Mr. Mulla, learned Advocate for Applicant. I find that there is no reason and ground which would enable the Applicant to maintain such an Application. He would draw my attention to

paragraph Nos. 6 and 7 and would contend that Applicant has had health issues. Reading of paragraph No. 6 would show that Applicant could not deposit the amount on time as per but he approached the Court only nine months after the date of the first installment was over. Hence the ground of health issue stands rejected outrightly on the face of record. Second reason given by Applicant in paragraph No. 7 is that his bank lockers were frozen and therefore he was unable to do business and arrange the money within the stipulated period. Once again this reason also deserves to be dismissed in *limine* as it is a completely innocuous reason without any substantiation. There is *prima facie* breach of paragraph No. 7 of the order dated 21.12.2023. The undertaking which Applicant was required to file before 24.01.2024 is also not filed in this Court or shown to me despite being asked. Applicant does not deserve any sympathy or mercy of this Court at all.

6. Mr. Mulla has made certain other submissions before me which deserve to be rejected outrightly. He would submit that when the Applicant was in prison, he had suicidal tendencies and he was not in a proper state of mind. Today before me he has placed a report from Aarthi Scans & Labs which is a MRI report of the brain of the Applicant dated 25.01.2025. However the said report clearly records that there is no evidence of acute infarct or hemorrhage noted. Said report is

nothing but an indigenous way of seeking extension orders from this Court. If Applicant is unwell, he will be treated while in prison. *Prima facie* Applicant has no intention to honor the order of the Court for deposit and show his bonafides. Applicant is not entitled to any sympathy or mercy. Application is rejected.

[MILIND N. JADHAV, J.]

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