

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1774 OF 2025

Santosh Rudraji Dalvi	.. Applicant
Versus	
The State Of Maharashtra	.. Respondent

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- Mr. Arif Shaikh i/by Ankush Dhokale, Advocate for Applicant.
 - Mr. Dinesh J. Haldankar, APP for State.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 30, 2025

P. C.:

1. Heard Mr. Shaikh, learned Advocate for Applicant and Mr. Haldankar, learned APP for State

2. Applicant before me is indicted and arrested in an offence punishable under Section 420 r/w 120B of the Indian Penal Code, 1860. First informant desired to buy a house in respect of which he advanced an amount of Rs.33.5 lacs to the Applicant sometime prior to 2019. Since Applicant failed to deliver his promise FIR was lodged in the year 2019 against Applicant. Applicant was arrested but released on temporary bail due to Covid-19 pandemic period after one year of incarceration. Thereafter his temporary bail was converted into permanent bail on the condition that Applicant would deposit an amount of Rs.5,00,000/- on his release. Applicant could not deposit

the amount of Rs.5,00,000/- and therefore, first informant filed Application for cancellation of bail which was allowed by trial Court pursuant to which Applicant surrendered himself and has been in incarceration for the past 2 years since then. Total period of incarceration in the present crime is of 3 years which needs to be considered in view of invocation of offences against Applicant wherein the maximum sentence that could be suffered by him at the highest would be for 7 years. He would next submit that condition for deposit of Rs.5,00,000/- as incorporated by the learned Trial Court at the time of converting the temporary bail to permanent bail *prima facie* needs to be looked into as during the Covid-19 pandemic exigency such an onerous condition was practically impossible to be complied with by Applicant leading to cancellation of his bail.

3. *Prima facie* if what learned Advocate for Applicant is submitting is true then Applicant has made out a case for grant of bail in the above circumstances.

4. Learned Prosecutor shall take appropriate instructions on aforesaid submissions and status of trial and accordingly apprise Court on next adjourned date. Considering aforesaid submissions present Application shall be heard on next adjourned date which shall be noted by prosecution.

- 5.** Learned Advocate for Applicant is directed to serve a copy of the present Bail Application to the Respondents.
- 6.** Liberty is granted to Applicant to move the vacation Court, if so desired.
- 7.** Stand over to **8th July, 2025.**

PR. Rajput

[MILIND N. JADHAV, J.]