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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 201 OF 2026

Mangesh Dipak Kalokhe

... Applicant

Versus.

The State of Maharashtra

... Respondent

Ms. Nishi Singhvi a/w Mr. Kuldeep Nikam, Advocates for Applicant.

Mrs. Rajeshree Newton, APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 17th JUNE, 2026

Oral Order :-

1. Heard Ms. Nishi Singhvi, learned Advocate for the Applicant and Mrs. Rajeshree Newton, APP for the Respondent – State.

2. By the present Application filed under Section 528 of the BNSS, the Applicant is before this Court, raising a grievance against Bail Condition 2(a) of the order dated 16.04.2026 passed in Special Case No. 697 of 2024, by which the Additional Judge, Special Court, MCOCA, Pune, has directed the Applicant to deposit Rs.2,00,000/- as a pre-condition for release on bail.

3. Application (Exhibit 33) filed by the Applicant for relaxation of bail condition No.2(a) in Special Case No.697 of 2024 was rejected by the Additional Sessions Judge & District Judge-7, Pune vide order dated 20.05.2026.

4. Ms. Nishi Singhvi, learned Advocate for the Applicant, submits that the Applicant is unable to comply with the Bail Condition 2(a) in the order dated 16.04.2026 passed in Special Case No. 697 of 2024 of depositing Rs. 2,00,000/- due to extreme hardship. As such, despite the Applicant being released on bail by order dated 16.04.2026, passed on Exhibit – 32 in Special Case No. 697 of 2024, the Applicant has remained in jail for almost two months.

5. Mrs. Rajeshree Newton, learned APP for the State, submits that the imposition of the Bail Condition 2(a) in the order dated 16.04.2026 passed in Special Case No. 697 of 2024 is justified in view of the allegations and the offence committed by the Applicant. She therefore opposes the request made by Ms. Nishi Singhvi, learned Advocate for the Applicant.

6. The Hon'ble Supreme Court in the case of ***Gajanan Dattatray Gore Vs. The State of Maharashtra & Anr.***¹, in paragraph Nos. 15 to 22 has made the following observations :-

“15. We have noticed over a period of time that orders of regular bail and anticipatory bail are being passed by different High Courts subject to deposit of some amount.

16. We have come across cases like the one in hand where accused persons have gone to the extent of filing affidavits in the form of undertaking that they would deposit a particular amount within a particular period and then conveniently resile from such undertakings saying it is an onerous condition.

17. In some cases, perhaps the accused may abide by such undertaking, but our experience so far has been that in many cases the accused later would not abide and flout the undertaking. In many cases it would be argued on behalf of the accused that he had never made such a statement and the court on its own had recorded in the order that the accused is ready and willing to deposit a particular amount. At times the entire blame is thrown on the lawyer in making such statement for the purpose of obtaining order of bail or anticipatory bail as the case may be. In such circumstances, the concerned court would be left with no other option but to cancel the bail either at the instance of the State or the original complainant.

18. The case in hand is one in which the appellant on his own free will and volition filed an affidavit in the form of an undertaking before the High Court that he would deposit an amount of Rs. 25,00,000/- but ultimately resiled to do so and the High Court had to cancel the bail. It was too much for the lawyer of the appellant to argue before the High Court that asking his client to deposit Rs. 25,00,000/- was unreasonable. It reflects on the professional ethics.

19. By this order, we make it clear and that too in the form of directions that henceforth no Trial Court or any of the High Courts shall pass any order of grant of regular bail or anticipatory bail on any undertaking that the accused might be ready to furnish for the purpose

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of obtaining appropriate reliefs.

20. The High Courts as well as the Trial Courts shall decide the plea for regular bail or anticipatory bail strictly on the merits of the case. The High Courts and the Trial Courts shall not exercise their discretion in this regard on any undertaking or any statement that the accused may be ready and willing to make.

21. This practice has to be stopped. Litigants are taking the courts for a ride and thereby undermining the dignity and honor of the court.

22. We hope and trust that the High Courts as well as the Trial Courts across the country do not commit the same mistake again.”

7. The Hon’ble Supreme Court in the case of ***Prantik Kumar and Anr. Vs. State of Jharkhand and Anr²***, in paragraph Nos. 8 & 9 has made the following observations:-

“8. It is very unfortunate that despite this Court saying in so many words that grant of regular bail or the anticipatory bail should not be subject to deposit of any amount, the High Court has said that the petitioners should deposit the balance amount of Rs. 9,12,926.84.

9. In our Judgment, referred to above, we made ourselves very clear that if a case for grant of bail or anticipatory bail is made out, then the Court should proceed to pass an appropriate order and if not made out, the Court may decline, however, Court should not pass a conditional order of deposit of a particular amount and then exercise its discretion.”

8. The order dated 16.04.2026 passed in Special Case No. 697 of 2024 indicates that the Additional Judge, Special Court, MCOCA, Pune, was satisfied that the Applicant was entitled to bail

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and accordingly ordered his release on bail.

9. In view of the pronouncement of the Hon'ble Supreme Court in the above-referred decision, condition No. 2(a) of the order dated 16.04.2026, passed on Exhibit – 32 in Special Case No. 697 of 2024, is not sustainable and is liable to be set aside. Accordingly, the same is set aside.

10. This Application is allowed in terms of prayer clause 19 (b). Consequently, condition No. 2(a) of the order dated 16.04.2026 passed on Exhibit – 32 in Special Case No. 697 of 2024 stands deleted.

11. The remaining order dated 16.04.2026, passed on Exhibit – 32 in Special Case No. 697 of 2024, stands unaltered.

12. Criminal Bail Application No. 201 of 2026 is allowed.

(ASHWIN D. BHOBE, J.)