

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

**WRIT PETITION NO.1744 OF 2021  
WITH  
INTERIM APPLICATION NO.3507 OF 2022**

Varinder Singh Bharara & Anr. ... Petitioners

Vs.

Harish Roshanlal Malhotra & Ors. ... Respondents

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Ms. Misbaah Solkar a/w Nawaz Dordi & Sejal Jain for the Petitioners.

Mr. Harish Roshanlal Malhotra, Respondent No.1 present in person.

Mr. P. H. Gaikwad, APP for the Respondent-State.

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**CORAM : N.R. BORKAR, J.**

**DATE : 23RD FEBRUARY 2026**

**PC. :**

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1. The Petitioners herein had filed the application for anticipatory bail. By order dated 16<sup>th</sup> November 2016, the Learned Sessions Judge allowed the said application, however directed the Petitioners to deposit an amount of Rs.42,00,000/-. After deposit of the said amount, Respondent No.1 herein had filed an application for withdrawal of the said amount. By the order dated 11<sup>th</sup> December 2020, the Learned Metropolitan Magistrate allowed the said application. Being aggrieved by the said order passed by the Learned Metropolitan Magistrate, the Applicants herein had filed the revision before the Sessions Court. By the order dated 11<sup>th</sup> March 2021, the Sessions Court modified the order passed by the Learned Metropolitan Magistrate. The Learned Sessions Court permitted Respondent No.1 to withdraw the amount of Rs.42,00,000/-, but directed Respondent No.1 to

furnish bank guarantee of Rs.8,00,000/-. The said orders passed by the Learned Metropolitan Magistrate and Sessions Court are impugned in the present Petition.

2. I have heard the Learned Counsel for the Petitioners and Respondent No.1 in person.

3. This Court by the order dated 19<sup>th</sup> April 2021 stayed the said orders passed by the Metropolitan Magistrate and the Sessions Court. On 21<sup>st</sup> June 2021, Respondent No.1 appeared before this Court through video conferencing. On the said date, this Court passed the following order:

*“PC. :*

- 1. Record indicates that, the Respondent No.1 has been served in the matter. He has sent a reply along with certain annexures to the Registry of this Court through Speed Post, which is placed on record. In his reply, Respondent No.1 has also prayed that, he may be permitted to make submissions through V.C. by sending him a link of the High Court, as he is residing at New Delhi. He has also prayed for canceling the Order dated 19<sup>th</sup> April 2021 passed earlier to this.*
- 2. Record further indicates that, the papers of the present Petition were misplaced and thereafter the brief has been reconstructed by the Registry with the help of learned Advocate for the Petitioners.*
- 3. Ms. Solkar, learned counsel for the Petitioners submitted that, as the papers of the present Petition were not traceable in the Registry, she could not carry out necessary amendment in the Petition in pursuance of Order dated 19<sup>th</sup> April 2021 and as a consequence thereof, could not serve amended copies of the Petition upon the Respondents.*
- 4. In view of the above, the period to carryout amendment is extended by two weeks from today. Consequently the returnable date of notice upon the respondents is extended upto 20<sup>th</sup> July 2021.*

5. *Stand over to 23<sup>rd</sup> July 2021.*

6. *Till the next date, ad-interim relief granted earlier to continue.”*

4. It appears from the record that thereafter on 25<sup>th</sup> February 2022, though Respondent No.1 was aware about stay granted by this Court, filed an application before the Learned Metropolitan Magistrate and withdrawn the said amount of Rs.42,00,000/-, by suppressing the fact of stay granted by this Court.

5. In that view of the matter, Respondent No.1 is directed to redeposit the amount of Rs.42,00,000/- with the trial court within a period of six weeks from today. If the same is not done, this Court will be constrained to initiate the contempt proceedings against Respondent No.1.

6. List the present matter for further consideration on **07<sup>th</sup> April 2026**.

**(N.R. BORKAR, J.)**