

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 6888 OF 2014

Bhausahab Tukaram Ananda Mali
Gramin Bigar Sheti Sahakari
Pat Sanstha, Lohara, Dist. Jalgaon

.... APPLICANT

V E R S U S

The State of Maharashtra & Anr.

.... RESPONDENTS

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Mr. S.B.Yawalkar, Advocate for Applicant.

Mr. A.S.Shinde, A.P.P. for R.No.1 – State.

Mr. Anand Chawre, Advocate for R. No. 2.

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CORAM : V.M.DESHPANDE, J.

DATE : 10th JUNE, 2015

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PER COURT :

1. This is an application for cancellation of anticipatory bail granted by this Court in Criminal Application No. 1539 of 2012 on 12/04/2012.

2. Heard Mr. S.B.Yawalkar, learned counsel for the applicant, Mr. A.S.Shinde, learned A.P.P. for Respondent No.1 – State and Mr. Anand Chawre, learned counsel for Respondent No. 2, in whose favour bail was granted.

3. According to the learned counsel for the

applicant, bail is required to be cancelled since the respondent No. 2 has not complied the condition imposed by this Court to deposit the directed amount in the account of the Credit Society subject to accounts.

4. Learned counsel for respondent No. 2 invited my attention to the affidavit of respondent No. 2 dated 16/02/2015, in which it is pointed out by respondent No. 2 that after the order was passed, respondent No. 2 immediately approached to the Society for depositing the requisite amount. However, that amount was not accepted and the applicant flatly refused to open the fixed deposit account. The said affidavit is not controverted by the applicant.

5. There is no dispute that respondent No. 2 thereafter has deposited Rs. 57,969/- in the fixed deposit receipt with the Credit Society i.e. the applicant itself. It is also not in dispute that respondent No. 2 has given undertaking that he or his legal representatives will not withdraw the said amount. Thus, the said amount is available with the applicant Society itself.

6. In that view of the matter, no case is made out for cancellation of anticipatory bail. Hence, present Criminal Application is rejected.

[V.M.DESHPANDE, J.]