

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

**CRIMINAL APPLICATION NO. 2621 OF 2016
IN
CRIMINAL APPLICATION NO. 150 OF 2015**

Narayan S/o Ramdayal Gattani,

Age : 70 years, Occu. Nil

Aurangabad.

... Applicant.

VERSUS

Ramesh S/o Gopalrao Lingayat & Anr.

... Respondents

.....

Applicant appeared in-person

Mr D. S. Manorkar, Advocate for respondent No. 1

Mr S. M. Ganachari, APP for respondent No. 2

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**CORAM : RAVINDRA V. GHUGE, J.
(VACATION COURT)**

DATE : 11TH MAY, 2016.

PER COURT:

1. The applicant in-person submits that, he is willing to withdraw the amount of Rs. 75,000/- (Rupees Seventy Five Thousand) deposited in this Court by the original applicant in Criminal Revision Application No. 1540 of 2015, by tendering a bank guarantee.

2. Since the statement of giving a bank guarantee is not mentioned in prayer clause 'B', the applicant in-person prays to add the same to the prayer clause. Leave granted. Addition be carried out forthwith.

3. The applicant, who appears in-person submits that, he is a senior citizen and is almost 70 years old. He has certain ailments and he requires financial assistance for his treatment and medicines. He fairly states that, he has already withdrawn Rs. 78,000/- that was deposited with the appeal court. He was granted the permission to withdraw the said amount without any condition.

4. He further submits that, he desires to withdraw the amount of Rs. 75,000/- that has been deposited by non-applicant No. 1 in this Court, by furnishing Bank Guarantee.

5. Learned Advocate for non-applicant No. 1 opposes the civil application. He submits that, the non-applicant is the applicant in Criminal Revision Application No. 150 of 2015. He has every hope of success in the matter. The amount should be kept secured in this Court. It would be difficult to recover the said amount if the applicant is permitted to withdraw the same.

6. I have considered the submissions of the applicant in-person and the learned Advocate for the contesting non-applicant No. 1.

7. The applicant has already stated in prayer clause 'B' that he would withdraw the amount on the condition of furnishing Bank Guarantee.

8. This application is therefore allowed in terms of prayer clause 'B' of the application with a rider that, in the event the verdict of this Court in Criminal Revision Application No. 150 of 2015 goes against the applicant, he may either redeposit the said amount of Rs. 75,000/- in this Court within one month pursuant to the order of the Court or the Bank Guarantee furnished by him may be liquidated.

9. The applicant shall furnish a copy of PAN card (Income Tax) and a copy of his election identity voters card, which shall be scrutinized by the authority while permitting him to withdraw the money.

[RAVINDRA V. GHUGE]
VACATION JUDGE