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FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 226 of 2015

IN

CRIMINAL ANTICIPATORY BAIL APPLICATION No. 1393 of 2014

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr Rupesh R. Lanjekar for the applicant.

Ms P.P. Shinde, APP for the State.

Mr Mangesh Patil for applicant in A.B.A.No.1393/2014

CORAM : A.S.GADKARI, J.

DATE : 05th January, 2016

P.C.

1. This is an application for withdrawal of amount of Rs. 2,41,000/- along with interest deposited by respondents no. 2 and 3.

2. By an order dated 26.11.2014 in ABA No.1393/2014 the respondents no. 2 and 3 were granted interim protection of pre-arrest bail by this Court on the submission made by respondents no. 2 and 3 that they will deposit a sum of Rs.2,41,000/- in the Registry of this Court without prejudice to their rights and contentions. On 26.11.2014 on the basis of said submission, the said application was adjourned to 10/12/2014. On 10/12/2014 respondent no. 2 and 3 pointed out the fact that they have already deposited an amount of

Rs.2,41,000/-in this Court. The applicant/original complainant was present in the Court and submitted that the complainant desires to settle the matter. The said statement was made on 10/12/2014. It appears from the record that till today the complainant has not taken any steps to settle the matter in pursuance to his statement and has filed the present application.

It is to be noted here that the respondent no. 2 and 3 have deposited the said amount in this Court without prejudice to their rights and contentions to be raised at the time of trial and, therefore, the applicant cannot be permitted to withdraw the amount at this stage. It is needless to mention that the applicant is not at all entitled for any interest on the said deposited amount by the respondent no. 2 and 3. It appears from the record that the respondent no. 2 and 3 have deposited the said amount with a view to prove their bona fide and to avoid the custodial interrogation at the hands of police. The applicant herein cannot be permitted to raise a plea thereby claiming interest on the said deposited amount. As stated herein above, I find that the applicant has failed to honour his own words as have been recorded in the order dated 10.12.2014.

In view of the above, I find no merit in the present application. The application is accordingly dismissed.

(A.S.GADKARI,J.)