

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

**CRIMINAL APPLICATION NO.427 OF 2016
IN
WRIT PETITION NO.2560 OF 2016**

Manisha Rupesh Gangurde @
Manisha Prakash Tribhuvan

...Applicant
(Org. Respondent No.1)

IN THE MATTER BETWEEN

Shri.Rupesh Tukaram Gangurde
V/s.

...Petitioner

Sou.Manisha Rupesh Gangurde
Manisha Prakash Tribhuvan & Anr.

...Respondents

Mr.A.B. Tajane for the Applicant.

Mr.Karan Bhosale i/by Ms.Smita R. Gaidharni for the Respondents.

CORAM : K.K. TATED, J.

DATE : 21st OCTOBER, 2016.

P.C.

1. Heard the learned counsel for the parties.

2. This application preferred by wife for permission to withdraw a sum of Rs.2,17,000/- deposited by the petitioner in the Registry of this Court and also for direction to the petitioner to deposit an amount of Rs.38,000/- which is due till December 2016. In the present proceedings Judicial Magistrate First Class, Nandgaon

by order dated 08th November 2012 in maintenance application No.132 of 2010 directed to the petitioner to pay a sum of Rs.8,000/- per month towards the maintenance allowance of minor child Kum.Prashik Rupesh Gangurde. Pursuant to the order passed by this Court on 10th August 2016 petitioner deposited amount of Rs.2,17,000/- in the Registry of this Court. This amount is towards the reimbursement of medical and other expenses. Criminal Writ Petition No.2560 of 2016 is pending for hearing and final disposal on merit.

3. Considering the submissions made by the learned counsel and impugned order, I am satisfied that at present applicant can withdraw a sum of Rs.1,10,000/- subject to the outcome of Criminal Writ Petition No.2560 of 2016. For withdrawal the said amount applicant to execute personal bond stating that in case this Court directs her to redeposited the said amount same will be done within four weeks from the date of order. Hence, following order :

ORDER

(a) Applicant is permitted to withdraw a sum of Rs.1,10,000/- from the Registry of this Court by submitting the Personal Bond as stated above.

(b) The withdrawal of the amount is subject to the outcome

of the Criminal Writ Petition No.2560 of 2016.

(c) Liberty granted to the applicant if she so desire to move for the remaining amount and that will decided on merit.

(d) Application stands disposed of accordingly.

(K.K. TATED, J.)