

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Amk

CRIMINAL APPLICATION NO. 832 OF 2014
IN
BAIL APPLICATION NO. 2103 OF 2007

Mr. Suresh Abhiman Nandire ...Applicant

Versus

The State of Maharashtra & Ors. ...Respondents

.....

Mr. R. N. Kachave for the Applicant.

Mrs. M. H. Mhatre, APP for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 16th FEBRUARY, 2016.

P. C. :

1. This is an application for refund of amount of Rs.35,000/- deposited by the applicant in pursuance of an order dated 18.10.2007 in Criminal Application No. 2103 of 2007.

2. By the said order the applicant was directed to be released on anticipatory bail in C. R. No. I-108/2007 registered with Kalyan Taluka Police Station for the offences punishable under Sections 498-A, 406, 504 of the Indian Penal Code. The applicant was directed to deposit an amount of Rs.35,000/- in the Family Court at Bandra within four weeks from 18.10.2007, failing which the pre-arrest bail which was granted by this Court was directed to be cancelled

automatically. The applicant, in pursuance of the said order dated 18.10.2007, has deposited the sum of Rs.35,000/- in the Registry of this Court on 15.12.2007, a receipt whereof is annexed at page 16 of this application.

3. The learned counsel for the applicant submitted that subsequently the marriage between the complainant and the applicant was dissolved by a decree of divorce by mutual consent. The learned JMFC, 3rd Court, Kalyan by its order dated 10.09.2012 has dismissed RCC No. 61 of 2008 filed against the applicant. While dismissing the said case, the learned JMFC has observed that the dispute between the complainant and all accused persons has been settled by the Family Court, Mumbai and the complainant therein did not support the prosecution case in its entirety. The learned APP on instructions submitted that the Investigating Officer has recorded the statement of the complainant and she has no objection if the said amount is refunded to the applicant herein. In view of the above, I am inclined to allow the present application.

4. Hence, the following order:

- (i) The amount of Rs.35,000/- deposited by the applicant on 15.12.2007 in this Court in pursuance of order dated 18.10.2007 passed in Criminal Application No. 2103 of 2007 be

returned/refunded to the applicant within a period of two weeks from the date of the receipt of the present order by the Registry of this Court.

(ii) The applicant shall file an appropriate precipe in the Registry of this Court along with copy of this order and bring this order to the notice of the concerned Registrar.

5. The application is allowed in the aforesaid terms.

(A. S. GADKARI, J.)