

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

CRIMINAL WRIT PETITION NO. 1521 OF 2017

Vicky Bhawanji Popat. ... Petitioner.
Versus
C.B.I. E.O.W. Mumbai & Anr. ... Respondents.

Mr. Kishor N. Bhatia, advocate for petitioner.

Mr. Anamika Malhotra, APP for State.

Ms. Rebecca Gonsalvez, advocate for respondent No. 1-CBI

CORAM : SMT.SADHANA S. JADHAV,J
DATE : APRIL 18, 2017

P.C.:

1 Heard the learned Counsel for the Petitioner and the learned Counsel for the respondent No. 1 CBI.

2 Rule. Rule made returnable forthwith with the consent of the parties.

3 It is the case of the Petitioner that the Petitioner herein is being prosecuted for offence punishable under section 420, 467, 471 and 120B of the Indian Penal Code in C.C. No. 922/PW/2015. The Petitioner herein was enlarged on bail by an order dated 17/12/2015 on the condition that he shall furnish bail bonds in the sum of Rs. 2 Lakhs. The Petitioner had prayed for provisional cash bail. The prayer was granted. On 23/12/2015, the Petitioner had furnished sureties. It appears that in March, 2016 the trial Court had accepted the sureties in the sum of Rs. 2 Lakhs and had imposed condition not to withdraw Rs. 1 Lakh, which was deposited by the accused.

4 The petitioner filed an application seeking withdrawal of amount of cash bail of Rs. 1 Lakh, as he had furnished solvent sureties in like amount. The learned Trial Court has rejected the said application. Being aggrieved by the said order, the petitioner has filed this Writ Petition.

5 Learned Counsel Ms. Gonsalvez appearing for the respondent upon instructions submits that the CBI does not oppose the grant of prayer clause (a). Writ Petition therefore, deserves to be allowed.

6 The petition is allowed in terms of prayer clause (a). Rule is made absolute in the above terms and stands disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)