

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4890 OF 2015

Mrs. Anuradha M. Satoskar

.....Petitioner

V/s.

The State of Maharashtra and Ors.

.....Respondents

* * * * *

Mr. Rahul D. Hule, Advocate for the petitioner.

Mr. V.V. Gangurde, APP for respondent, State.

CORAM :- SMT. R.P. SONDURBALDOTA, J.

DATED :- 10TH JANUARY, 2017.

P.C. :-

1). The challenge in this petition to the order impugned therein, is limited to the condition imposed for return of the property. The impugned order permits return of the property i.e. Rs.50,000/- to the petitioner on condition that she furnishes surety in the like amount. According to the petitioner, the facts and circumstances of the case do not justify the condition.

2). It is the case of the petitioner that, she had handed over a cheque in the sum of Rs.50,000/- towards the premium of her

insurance policy with HDFC Standard Life Insurance Policy. She later discovered that, the cheque had been credited not in the account of her insurer but in the account of one, Ritesh Bahadur Chohan. Therefore, she filed complaint with Charkop Police Station vide F.I.R. No. 115 of 2015 for the offences punishable under Sections 506, 471 and 420 Indian Penal Code. During the course of investigation, the police freezed the Bank Account of the accused, Rithesh Chohan, who is an absconding accused. When the petitioner filed an application for return of the amount to her, the Learned Magistrate allowed the application with condition that she furnishes surety in the like amount.

3). The above facts of the case, in my opinion, do not call for imposition of condition for return of the amount to the petitioner. The petition is therefore partly allowed. The order impugned is modified to delete the condition of submission of surety. The petitioner, however, will execute a bond in the sum of Rs.50,000/- stating that she would return the amount to the Court, as and when called for by the Court.

(SMT. R.P. SONDURBALDOTA, J)