

Prashant Ratnakar Adhangale ...Applicant
Versus
The State of Maharashtra & Anr. ...Respondents

Ms. Akanksha Agrawal i/b M/s. Jayakar & Partners for the Applicant

Mr. Y. M. Nakhwa, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 18th APRIL, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks refund of the amount deposited by the applicant in Anticipatory Bail Application No.626 of 2011.
3. Learned Counsel for the applicant states that the respondent No.2–Priya Prashant Adhangale, has given an undertaking before the Family Court, Bandra, Mumbai stating therein, that she has no objection if the applicant is permitted to withdraw the said amount of Rs.3,51,000/-

from this Court. She relied on the undertaking filed by the respondent No.2 in the Family Court at Bandra, Mumbai, which is on page 28 of the application. Learned Counsel for the applicant has also relied on clause (7) of the Consent Terms entered into between the parties, which are on page 26 of the application. The said clause (7) of the said Consent Terms, reads thus:-

“7. Petitioner has deposited Rs.3,51,000/- (Rs.Three lacs fifty one thousand only) in Hon'ble High Court, Mumbai for anticipatory bail. Respondent has no objection if petitioner withdraw said amount from the court.

4. It appears that respondent No.2 is not interested in appearing in the aforesaid application since the parties have amicably settled their dispute and have filed Consent Terms.

5. Vide order dated 30th March, 2017, the learned A.P.P was directed to record the statement of the respondent No. 2-Priya Prashant Adhangale, as to whether she has any objection to applicant's being refunded Rs. 3,51,000/- deposited by the applicant in Criminal Anticipatory Bail Application No. 626 of 2011. Learned A.P.P states that the police had

gone to the residence of the respondent No. 2 and that the respondent No. 2's mother informed that the respondent No. 2 had remarried.

6. Considering the aforesaid, in particular, in view of clause (7) of the Consent Terms entered into between the parties that the respondent No. 2 has no objection to withdraw an amount of Rs. 3,51,000/- from the Court, the application is allowed in terms of prayer clause (a).

7. Registry to forthwith refund the amount along with the accrued interest, if any.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.