

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4929 OF 2018
IN FA/1116/2016

JAMMU HUSSAIN DAUD AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Mr. D.H. Jadhavar, Advocate for applicants
Mr. A.M. Phule, AGP for respondent-State
...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 11-04-2018

ORDER :

1. Heard learned counsel for the applicant, who states that *although* earlier on, half of the amount deposited in this court had been allowed to be withdrawn, the same had not reached the applicants at all. He has been duped while making withdrawal and the complaint in respect of the same has been lodged and is pending. While this is so on one hand, on the other, applicant no.2's wife has been affected by heart ailment and is advised heart bypass surgery. The total estimated cost is stated to be around Rs.4,00,000/-. The applicants do not have wherewithal to bear with the expenses on medical treatment to be given to wife of applicant no.2. They are in dire need of the amount immediately. While proceedings have been initiated and the complaint had been lodged against erring and delinquent person, it is likely to take

longer time and may not bear fruits immediately, whereas the immediate need of money has cropped up. In the circumstances, this application has been moved for withdrawal of the amount.

2. Learned A.G.P. submits that so far as aspects initially referred to about applicants being duped by other persons and proceedings having been filed, the appellant in first appeal, can hardly have any role in the same and can not be blamed. The applicants appear to be rather casual and indolent. In the circumstances, without getting into the verification of correctness or otherwise of the circumstances, if the applicants furnish bank guarantee of Rs.4,00,000/-, they may, having regard to the submissions and statements, be allowed to withdraw Rs.4,00,000/-.

3. In the circumstances, applicants may withdraw sum of Rs.4,00,000/- (Rs. Four Lakh) from the amount deposited in this court subject to furnishing bank guarantee of nationalized bank which would continue till the disposal of the first appeal.

4. Civil application accordingly is disposed of.

[SUNIL P. DESHMUKH]
JUDGE

arp/