

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

CRIMINAL APPLICATION NO. 692 OF 2018

IN

ANTICIPATORY BAIL APPLICATION NO. 111 OF 2018

Uday Salian	... Intervener
Vs.	
Chetan Narendra Dhakan & Ors	... Applicants
State of Maharashtra	... Respondent

...

Mr. J.S. Kini I/by Sapna Krishnappa for the complainant/
intervener.

Mr. P.G. Pandey a/w Ms. Aarati Deshmukh for the applicant.

Ms. A.A. Takalkar, APP for the Respondent-State.

...

CORAM : PRAKASH D. NAIK, J.
DATE : 29th AUGUST, 2018.

P.C.

1. This is an application for withdrawal of the amount of Rs.2,18,72,961/- deposited in Anticipatory Bail Application No. 111 of 2018. The Respondent No.1 to 4 in this application had preferred Anticipatory Bail Application No. 111 of 2018 seeking anticipatory bail in C.R. No. 6 of 2018 registered with Amboli Police Station on 5th January, 2018 for offences under Sections 406, 420, 120B read with Section 34 of Indian Penal Code. The said applicant on instructions stated that the applicants therein are

ready to deposit Rs.2,18,72,961/- in the Registry of this Court within eight weeks. On 21st March, 2018, the said applicants filed undertaking to deposit the aforesaid amount. Schedule to deposit the amount was mentioned in undertaking. The application was adjourned for compliance to 12th April, 2018. The amount deposited. The interim order was confirmed on 15th June, 2018.

2. Original complainant has preferred this application for withdrawal of the said amount. It is submitted that original complainant had parted with the said amount for purchasing the flat premises, after obtaining friendly loan from relatives. However, the complainant did not get the possession of the said premises nor the said amount. The accused has obtained anticipatory bail and the original complainant was left without any remedy. The original applicants had opposed the prayer for returning amount to complainant. The aforesaid amount was deposited during the pendency of the anticipatory bail application in this Court. Undertaking filed by the applicants/accused mentions that the amount has been deposited in this Court to satisfy the claims of the complainant in the said C.R. and the amount shall await till the decision of the court and the same shall not be given either to them or to the complainant till the matter

finally decided by the Court. Anticipatory bail application finally allowed and the disposed off. It is submitted by the advocate for the applicant that at the relevant time it was submitted that both the parties have settled the matter but subsequently the matter could not be settled.

3. Taking into consideration these facts, relief sought in the application cannot be granted. The application for anticipatory bail is already disposed off. The trial Court where the chargesheet would be filed and trial would be conducted shall decide as to who is entitled to claim the aforesaid amount at the time of conclusion of the trial or event prior to that in the event any application is filed by either parties for return of the said amount.

4. In the meanwhile, Registry is directed to invest the said amount in the Nationalised Bank.

5. Criminal Application stands disposed off.

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(PRAKASH D. NAIK, J.)