

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

**CRIMINAL APPLICATION NO. 937 OF 2017  
IN  
BAIL APPLICATION NO. 1246 OF 2018**

Vaman Keshav Chunekar

..Applicant

v/s.

Santosh Narayan Nandgaonkar  
& Anr.

..Respondents

Mr. Sanjiv Kadam a/w. Mr. Abhay Jadhavar I/b. Sachin Hande for the Applicant.

Mrs. J.S.Lohokare, APP for the State.

Ms. Sonal Parab a/w. Mr. Kiran Varma I/b. Rajeev Sawant & Associates for the Respondent No.1.

Mr. H.M.Hinge, PSI Revdanda Police Station, present.

**CORAM : ANUJA PRABHUDESSAI,J.  
DATED : SEPTEMBER 27, 2018.**

**P.C.**

1. This is an application for cancellation of bail, mainly for non-complying with the condition no.(iii) of Order dated 28<sup>th</sup> July, 2016 in Criminal Bail Application No. 1246 of 2016. The said condition no.(iii) reads thus:

*“(iii) The amount of Rs.15 lacs deposited by the applicant in the joint account of trustees be invested in fixed deposit intially for a period of five years, in any nationalized bank.”*

2. The learned Counsel for the respondent no.1 has submitted that pursuant to the said order, an amount of Rs.15 lakhs is already invested in Fixed Deposit in a Nationalized bank i.e. State Bank of India. The respondent no.1 has also filed an affidavit dated 3<sup>rd</sup> March, 2018. Paragraph 4 of the said affidavit reads thus:

*“4. I state that, I shall not withdraw the said amount of Rs.15 lakhs nor create any Third Party Interest in the Fixed Deposit Account No. 37185705483 with the State Bank of India till the proceedings in respect of C.R.No. 71/2015 with the Revdanda Police Station, Raigad for offences punishable u/s. 406, 420, 468, 471 r/w. 34 of the IPC reach their just and effective conclusion.”*

3. The learned Counsel for the applicant submits that the grievance of the applicant stands redressed. He however submits that the said amount is invested in the name of two trustees namely, Bhalchandra Kanujoge and Ramchandra Gogar. The applicant apprehends that the said two trustees may withdraw the said amount. The learned Counsel for the respondent no.1 submits that

the amount has been deposited by the respondent no.1. She further submits that necessary orders may be given to State Bank of India, Salav Branch, Taluka Murud, District Raigad, not to allow withdrawal of the said amount without prior permission of the Court.

4. In the light of the above, the application for cancellation of bail is dismissed.

. The Registrar (Judicial) is directed to issue letter to the Manager, State Bank of India, D-3, 27 Vikram Baug, Taluka Murud (J), District Raigad, Maharashtra, not to allow withdrawal of amount of Rs.15 lakhs and the interest accrued thereon which is invested by Respondent no.1-Santosh Narayan Nandgaonkar, in the names of Mr. Bhalchandra Kanujoge and Mr. Ramchandra Vithoba Gogar, in the State Bank of India under Fixed Deposit copy of which is at Exhibit B, page 69 of the application, until further orders.

. Application stands disposed of in above terms.

Prasanna  
Pradeep  
Salgaonkar

Digitally  
signed by  
Prasanna  
Pradeep  
Salgaonkar  
Date:  
2018.10.01  
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+0530

**(ANUJA PRABHUDESSAI, J.)**