

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (ABA) NO.13/2018

Morris Arick Swamy Joseph

..vs..

State of Mah., thr. PSO PS Mankapur, Nagpur and anr

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

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Shri Amit Khare, Counsel for the applicant.
Shri Tejas Deshpande, Counsel for non-applicant No.2/original complainant.
Shri Amit Madiwale, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 29, 2018.

1. Heard learned counsel Shri Amit Khare for the applicant, learned counsel Shri Tejas Deshpande for newly added non-applicant No.2/original complainant, and learned Additional Public Prosecutor Shri Amit Madiwale for the State.

2. The applicant is apprehending his arrest in connection with Crime No.213/2017 registered against him with Police Station Mankapur, District Nagpur for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code.

3. The First Information Report (FIR) is lodged by non-applicant No.2 who is grandmother of the present applicant. According to the complaint, the present applicant, taking disadvantage of advanced age of 83 years of non-applicant No.2/original complainant, has deceived her and took out money from her Bank Account and swindled the same.

4. This Court on 8.1.2018 has granted *ad interim* anticipatory bail in favour of the present applicant with conditions that the applicant shall attend the police station on 10th, 11th, and 12.1.2018 and shall be with the investigating officer from 11:00 a.m. to 5:00 p.m. and shall extend full cooperation to the investigating officer.

5. The applicant has attended the police station and extended his full cooperation to the investigating officer, is the statement made by learned Additional Public Prosecutor Shri Amit Madiwale for the State.

6. On 19.1.2018, it was found by this Court that during the pendency of the anticipatory bail application before the Trial Court, the applicant has shown his willingness to pay the amount to non-applicant No.2/original complainant. Therefore, on 19.1.2018, this Court directed the applicant to deposit the amount of Rs.3,30,000/- since the applicant was ready to deposit the same before this Court. On the said day, this Court also directed the applicant to join the complainant as party non-applicant No.2. Accordingly, he carried out the amendment. The Notice was issued to non-applicant No.2/original complainant and learned counsel Shri Tejas Deshpande is appearing for non-applicant No.2/original complainant.

7. The dispute is between grandson and grandmother. The amount of Rs.3,30,000/- is already deposited by the applicant.

8. Looking to advanced age of 83 years of non-applicant No.2/original complainant and the fact that from her Bank Account

the amount was withdrawn by the present applicant, in my view, non-applicant No.2/original complainant is entitled to receive the amount of Rs.3,30,000/- which is deposited by the applicant in this Court.

9. Consequently, the amount of Rs.3,30,000/- deposited by the applicant shall be disbursed to non-applicant No.2/original complainant on she giving solvent surety to the satisfaction of the Registrar (Administration).

10. Since the present applicant has already extended cooperation and has already deposited the disputed amount, in my view, order passed by this Court on 8.1.2018 needs to be confirmed. Accordingly, the said is confirmed.

11. Applicant Morris Arick Swamy Joseph, in the event of his arrest in connection with Crime No.213/2017 registered against him with Police Station Mankapur, District Nagpur for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, the applicant be released on bail on he executing a P.R. Bond in the sum of Rs.25,000/- with two solvent sureties of the like.

12. With this, the criminal application is allowed and disposed of.

JUDGE

!! BRW !!

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