

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**1049 CIVIL APPLICATION NO.7165 OF 2019  
IN FAST/1283/2019**

**VISHNU LIMBAJI KOKARE  
VERSUS  
THE STATE OF MAHARASHTRATH THR THE S.P BEED AND ANR**

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Advocate for Applicant : Mr. Aghav Avinash D  
AGP for Respondent No.1/State : Mr. R.B. Bagul  
Advocate for Respondent No.2 : Mr. A. P. Basarkar & Shaikh Farid

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**CORAM : SMT. VIBHA KANKANWADI, J.**

**DATE : 5<sup>th</sup> JULY 2019**

**ORDER :**

1. Present application has been filed for withdrawal of the amount. It is stated that the present respondent No.1 has deposited amount of Rs.2,35,178/-. The appeal has been filed along with the delay condonation application. It is stated that the police vehicle had given dash to one Ape Rickshaw from backside. It appears that the appellant-State is mainly contending that due to the communication gap between AGP and the State the written statement could not be filed and the matter had proceeded without written statement of the State and also without cross by AGP.

2. Taking into consideration the fact that the interest of both the parties are required to be considered, case is made out for partial withdrawal of the amount.
3. Applicant is allowed to withdraw amount of Rs.75,000/- subject to giving undertaking within a period of eight weeks that he would make good the said amount, if directed at the time of final disposal of the First Appeal.
4. Civil Application stands disposed of.

**( Smt. Vibha Kankanwadi, J. )**

Shubham/