

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.164 OF 2017

Nilesh Chandrakant Naik	Applicant
versus	
Devidas Pundalik Sutar and another	Respondents

Ms.Sana Mujawar for applicant.
Mr.Niranjan Mundargi for respondent no.1.
Mr.Prashant Jadhav, APP, for State.

CORAM : PRAKASH D. NAIK, J.
DATE : 16th January 2019

PC :

1. This is an application for withdrawal of Rs.12,50,000/- deposited by the accused/respondent no.1 herein in the registry of this Court.
2. The applicant had lodged complaint against respondent no.1 vide CR No.I-354 of 2015 for offences under Sections 420, 467 and 468 of Indian Penal Code. The respondent no.1 preferred Anticipatory Bail Application No.1935 of 2015. Vide order dated 22nd December 2015 this Court (Coram : A.S.Gadkari, J.) this Court apart from granting anticipatory bail to respondent no.1, directed him to deposit Rs.5 lakh within one week from 22nd December 2015 and further Rs.7.50 lakhs within one week thereafter. Thereafter vide order 23rd March 2016, the anticipatory bail application was disposed off by recording that the respondent no.1 has deposited Rs.12.50 lakhs, as directed by order dated 22nd December 2015. By this application, the applicant seeks withdrawal of Rs.12.50 lakhs deposited by respondent no.1.

3. Learned counsel for respondent no.1 submits that he has no objection to allow withdrawal of the amount so deposited in this Court, provided, applicant undertakes to withdraw pending case against respondent no.1 u/s 138 of Negotiable Instruments Act. Learned advocate for applicant states that he has instructions to state that the applicant will withdraw case filed by him against respondent no.1 under Section 138 of Negotiable Instruments Act. The statement is accepted as an undertaking to this Court.

4. Accordingly, Criminal Application No.164 of 2017 is allowed and applicant is permitted to withdraw Rs.12,50,000/- deposited in registry of this Court. The registry is directed to do the needful. The applicant is directed to initiate proceedings to withdraw case filed against respondent no.1 under Negotiable Instruments Act. Criminal Application No.164 of 2017 is disposed off.

(PRAKASH D. NAIK, J.)

MST