

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4865 OF 2019

Ramjan Khalil Patel

...Petitioner

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. Priyal G. Sarda for the Petitioners.

Mrs. Rutuja Ambekar, APP for Respondent – State.

CORAM : S.S. SHINDE, J.

DATE : 4th OCTOBER 2019

PER COURT :

1. This Petition takes an exception to the order dated 16th September 2019 passed by the learned Additional Sessions Judge, Barshi below Exhibit 18 in Special Case No. 4 of 2018.

2. Learned counsel appearing for the petitioner submits that, there is no occasion for the second Respondent to withdraw the amount Rs. 1,00,000 (Rupees One lacs only) deposited by the Petitioner. It is submitted that, the Sessions Court allowed the application filed by the second Respondent for withdrawal of the amount of Rs. 1,00,000 (Rupees One lacs only) without any condition. It is submitted that, Section 357 of Cr.P.C

cannot be invoked unless the Trial is concluded. Therefore, learned counsel appearing for the Petitioner relying upon the pleadings in the Petition, grounds taken therein and annexures thereto submits that Petition may be allowed.

3. On the other hand, learned APP appearing for Respondent – State submits that, not only that the Petitioner had illicit relations with second Respondent however, DNA Report clearly shows that the Petitioner is biological father of the child born out of relations of Petitioner and second Respondent. It is submitted that, while granting bail in clause ‘iii’ of the operative part of the order dated 3rd January 2019 passed by the Division Bench (CORAM : INDRAJIT MAHANTY, & SARANG V. KOTWAL, JJ.) the Court granted liberty to second Respondent to approach before the Trial Court by filing an application for release of the amount of Rs. 1,00,000 (Rupees One lacs only) deposited by the present Petitioner. Therefore, learned APP appearing for Respondent – State prays that petition may be rejected.

4. Upon appreciating rival contentions and keeping in view the liberty granted by the Division Bench to the second Respondent to file the application for withdrawal of amount of Rs. 1,00,000/- (Rupees One Lacs only) deposited by the Petitioner and keeping in view the submissions made by the learned APP appearing for Respondent - State, this Court is of the

opinion that no case is made out to invoke writ jurisdiction. Hence, Writ Petition stands dismissed summarily.

(S.S. SHINDE, J.)