

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.132 OF 2018
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO.138 OF 2017

Girishkumar Ramkishore Khandelwal	Applicant
versus	
The State of Maharashtra and others	Respondents

Mr.Bharat Vaishnawa i/by M/s.Bharat Vaishnawa & Co. for applicant.
Mr.Shivkumar Patil for respondent nos.2 and 3.
Ms.Pallavi N. Dabolkar, APP, for State.

CORAM : PRAKASH D. NAIK, J.
DATE : 31st January 2020

PC :

1. The applicant is the original complainant in CR No.I-66 of 2016 registered with Ambad Police Station for offences under Sections 420, 418, 415 of Indian Penal Code. On completing investigation charge sheet has been filed against accused and proceedings are pending before Trial Court.

2. The original accused (respondent nos.2 and 3 herein) had preferred application for anticipatory bail before this Court. They were granted interim protection. The said accused had filed affidavit-cum-undertaking expressing their desire to deposit a sum of Rs.10 lakh in the registry of this Court. The said amount was deposited. The application for anticipatory bail was allowed by order dated 27th November 2017.

3. Learned counsel for applicant submits that the amount belongs to the applicant/complainant. The applicant is senior citizen. He is suffering from ailments. He is in need of money. Hence, the

applicant-complainant be allowed to withdraw the amount which is deposited by accused-respondent nos.2 and 3 in this Court. The prayer is opposed by respondents. It is submitted that amount is deposited to show bona fides.

4. The amount was deposited in this Court during the hearing of Anticipatory Bail Application No.138 of 2017. The proceedings are pending before Trial Court. The case is yet to be decided. In the circumstances it would be appropriate that the trial is expedited and the Trial Court be directed to deal with the said amount at the time of trial or at appropriate stage.

5. Hence, I pass following order :

ORDER

- (i) The proceedings arising out of CR No.I-66 of 2016 registered with Ambad Police Station pending before the Trial Court are expedited;
- (ii) The Trial Court shall deal with amount of Rs.10,00,000/- deposited in this Court in accordance with order dated 30th January 2017 passed by this Court in Anticipatory Bail Application No.138 of 2017 at appropriate stage;
- (iii) The registry of this Court is directed to transfer the amount of Rs.10,00,000/- to the Trial Court if requested by Trial Court;
- (iv) The Trial Court shall decide the proceedings within nine months from the date of receipt of copy of this order;
- (v) Criminal Application No.132 of 2018 is disposed off.

(PRAKASH D. NAIK, J.)

MST