

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

951 CRIMINAL APPLICATION NO.256 OF 2021

**RITESH DEORAM PATIL
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. Rajendra Deshmukh, Senior Advocate, h/f Mr.
Deshmukh Devang R.

APP for Respondent : Mr. V.S. Badakh.

CORAM : MANGESH S. PATIL, J.
DATE : 09.02.2021.

PER COURT :

Heard both the sides.

2. The applicant is aggrieved and dissatisfied by the condition No. 5 imposed by the learned Additional Sessions Judge while granting him bail. The condition reads thus :

“Applicant shall deposit an amount of Rs. 10,00,000/- (Rs. Ten Lakh) on or before 03.02.2021 in the Court of Jurisdictional Magistrate, which amount shall be kept in fixed deposit and shall be subject to trial or order passed by Civil Court or any other Authority adjudicating disputes amongst Satpuda Infotech Private Ltd. And Abhishek Jagganath Nimbhore/Joyti Jagganath Nimbhore.”

3. The learned Senior Advocate Mr. Deshmukh cites the decision of the Supreme Court in the case of **Dilip Singh Vs. State of Madhya Pradesh and Another; Criminal Appeal No. 53/2021 dated 19.01.2021** from which following observations would be decisive of the matter :

“It is well settled by a plethora of decisions of this Court that

criminal proceedings are not for realization of disputed dues. It is open to a Court to grant or refuse the prayer for anticipatory bail, depending on the facts and circumstances of the particular case. The factors to be taken into consideration, while considering an application for bail are the nature of accusation and the severity of the punishment in the case of conviction and the nature of the materials relied upon by the prosecution; reasonable apprehension of tampering with the witnesses or apprehension of threat to the complainant or the witnesses; reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence; character behaviour and standing of the accused; and the circumstances which are peculiar to the accused and larger interest of the public or the State and similar other considerations. A criminal court, exercising jurisdiction to grant bail/anticipatory bail, is not expected to act as a recovery agent to realise the dues of the complainant, and that too, without any trial.”

4. In view of such a law laid down by the Supreme Court the impugned condition being illegal is liable to be quashed and set aside.
5. The Application is allowed. The impugned condition is quashed and set aside.

(MANGESH S. PATIL, J.)

mkd/-