

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 CRIMINAL APPLICATION NO.1022 OF 2021
IN ABA/381/2019

ANURADHA SURESH PAWAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Chaudhari S. U.
APP for Respondents: Mr. K.S. Patil

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CORAM : V. K. JADHAV, J.
DATED : 26th NOVEMBER, 2021

PER COURT:-

1. The applicant-original accused in connection with crime No. 83 of 2019 registered with Pundlik Nagar police station, District Aurangabad for the offences punishable 420, 406, 34 of I.P.C. and under Section 3 of M.P.I.D. Act, is seeking modification of the condition as per clause "b" of the order dated 13.8.2019 passed in anticipatory bail application No. 381 of 2019.

2. The applicant has deposited entire amount of Rs.20,00,000/- before this Court and the learned A.P.P. had also submitted that the applicant-accused was co-operating the investigating agency in carrying out further investigation into the crime. The applicant was also protected by interim order of anticipatory bail since 19.3.2019. Thus, considering entire aspect of the case by order dated 13.8.2019 this Court has confirmed the interim order of anticipatory bail. So far as the amount of Rs.20,00,000/- deposited by the applicant accused

before this court is concerned, the same is ordered to be transferred to the trial court with direction to the trial court to pass appropriate order at the conclusion of trial.

3. Learned counsel for the applicant submits that after filing of charge sheet, the applicant came to be released on regular bail. Learned counsel submits that the applicant is in need of amount, as in the present situation of Covid-19 the business of the applicant is closed down. Furthermore, son of the applicant wants to go to London for further studies and in view of the same, the applicant may kindly be permitted to withdraw the said amount of Rs.20,00,000/- by modifying the condition.

4. So far as the order passed on 13.8.2019 and even earlier to that while granting interim anticipatory bail by order dated 19.3.2019 this court has never asked the applicant to deposit the amount of Rs.20,00,000/-, as precondition for grant of anticipatory bail. The applicant has deposited entire amount to avoid the arrest in connection with the crime. Therefore, the ratio laid down by the Supreme Court in the case of **Saravanan vs. State represented by the Inspector of Police, reported in (2020) 9 SCC 101** relied upon by learned counsel for the applicant is not applicable to the facts of the present case. Clause “b” of the said order dated 13.8.2019 is reproduced herein below:-

“b] The amount of Rs.20,00,000/- (Rupees Twenty Lacs) deposited before this Court shall be transferred to the Trial Court and the learned Judge of the Trial Court shall pass appropriate orders about the same at the conclusion of the trial.”

5. In terms of clause “b”, the said amount of Rs.20,00,000/- has now been transferred to the trial court and since the charge sheet is submitted before the trial court, the trial court has seized with the matter. This Court has also directed the trial court to pass appropriate orders about the said amount, which is subject matter of the crime, at the conclusion of the trial.

6. In view of the same, I am not inclined to allow this application. Hence, the following order:-

O R D E R

Application is hereby rejected.

(V. K. JADHAV, J.)

rlj/