

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

CRIMINAL WRIT PETITION NO.865 OF 2019

ASHA W/O. SANJAY BHADANE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Shri Narayan B. Narwade
APP for Respondent No.1 : Shri R. V. Dasalkar
Advocate for Respondent Nos. 2, 3 & 6 to 11 : Shri N. V. Gaware
Advocate for Respondent Nos. 4 & 5 : Shri D. S. Bagul
...

**CORAM : RAVINDRA V. GHUGE AND
B. U. DEBADWAR, JJ.**

DATE : 06TH APRIL, 2021

PER COURT :

1. By this petition, the petitioners have put forth prayer clauses 'B' and 'C' as under :-

"B) By issuing appropriate Writ, Order or direction in the like nature, the respondent authorities especially respondent No. 2 to 11 may kindly be directed to comply the common order passed by this Hon'ble High Court in Criminal Application No. 1062/2018 and others, with further direction to distributes the amount invested as a fixed deposit to the petitioners as mentioned in the representation dated 27.05.2019.

C) By issuing appropriate Writ, Order or direction in the like nature, the respondent No. 2 to 11 may kindly be directed to furnish the scheme of distribution of the amount of Rs. 33,50,000/- as mentioned by this Hon'ble High Court in para No.5 of common order dated 05.12.2018."

2. The learned advocate for the petitioners submits that these prayers are set out in the light of the order passed by the

learned Single Judge Criminal Bench of this Court on 05-12-2018, in Anticipatory Bail Application No.1062 of 2018, along with a group of such applications, wherein the learned Single Judge (Coram : V. L. Achliya, J.) has issued the following directions :-

“A] The Anticipatory Bail Applications Nos. 1062/2018, 1053/2018, 1072/2018, 1051/2018, 1082/2018, 1079/2018 and 1078/2018 are allowed.

B] In the event of arrest of the applicants in connection with offence punishable u/s 409, 420, 406 of the Indian Penal Code and the offence punishable u/s 3 of the MPID Act, 1999, registered vide Crime No.393/2018 with Kotwali Police Station Dist. Ahmednagar, the applicants be released on bail on each of them furnishing bail in the sum of Rs.25,000/ with one surety in the like amount on following conditions:

i] The applicants shall appear before the investigating officer as and when directed by the investigating officer and cooperate in the investigation.

ii] The applicants shall not indulge into any act amounting to pressurizing the prosecution witnesses or tampering with the prosecution evidence.

iii] The applicants shall not leave the country without seeking prior permission from this Court.

iv] In case the applicants fail to abide by any of the conditions, the anticipatory bail granted to the applicants is liable to be rejected.

v] Ambika Gramin Non-agricultural Credit Cooperative Society, Kedgaon, Dist. Ahmednagar is granted liberty to make application for withdrawal of amount of Rs.33,50,000/ deposited by the applicants in terms of order dated 2.11.2018 subject to submitting scheme for distribution of the said amount to the investors / depositors who have deposited the amount in said credit cooperative society and legally entitled to receive the amount. Needless to observe that the amount shall be paid to only those investors / depositors who are legally entitled to receive the amount deposited in the society and that too on pro-rata basis. No amount to be paid to the investors / depositors whose fixed deposit receipts are doubtful and in respect to whom the observations are

made in the report of Auditor, unless the position is clarified.

C] The applications are disposed of in above terms.”

3. The learned advocate for the petitioners submits that the writ jurisdiction of this Court can be exercised for issuing directions for implementation of the order passed by the learned Single Judge Criminal Bench of this Court. We are unable to accept the said contention. We do not find that the criminal writ jurisdiction of this Court can be exercised for issuing directions to any party to implement or execute the directions of the learned Single Judge Criminal Bench, issued while allowing the Anticipatory Bail Application.

4. In view of the above, this petition is dismissed.

5. We find it appropriate to record that the petitioners cannot be remediless to the extent of seeking execution of the directions of the learned Single Judge Criminal Bench of this Court, reproduced above.

(B. U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)