

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1826 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO. 1086 OF 2020

Nitin s/o. Bhaskarrao Shejwal

Versus

The State of Maharashtra.

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Mr. S.J. Salunke, Advocate for petitioner.
Mrs. Vaishali S. Chaudhari, APP for respondent.

CORAM : V.G. BISHT, J.

DATE : 26th August.2021.

PER COURT:

- 1] Heard learned counsel for applicant and learned APP
- 2] The present application is moved by the applicant to release/ refund the amount of Rs. 3,00,000/- deposited by him vide Demand Draft No. 49304 dated 17.11.2020, pursuant to the order passed by this Court on 13.11.2020.
- 3] It appears from the order dated 13.11.2020 that since the amount involved in the matter was Rs. 2,45,000/- and as the learned counsel for the applicant had shown the applicant's readiness/willingness to deposit the said amount, the applicant was directed to deposit a sum of Rs. 3 Lakhs in the Court. The applicant accordingly deposited the said amount through a demand draft No. 49304 dated 17.11.2020 (Exhibit B). It is thus seen that, on depositing the said amount of Rs. 3 Lakhs, this court was pleased to grant interim anticipatory bail to the applicant.
- 4] From the record it is then seen that vide order dated 7.12.2020, this court rejected the Anticipatory Bail application of the

applicant, however, there was no order as to the amount of Rs. 3 Lakhs which was deposited by the applicant.

5] According to learned counsel, said amount of Rs. 3 Lakhs was borrowed by the applicant from his relatives and friends. The applicant is already terminated from the service and now, facing financial hardships in day to day life. Lenders, who had paid the amount of Rs. 3 Lakhs are also insisting for repayment of the said amount and, therefore, in such circumstances, the applicant prays that the said amount be refunded/returned to him.

6] Having regard to the facts and circumstances that the said amount of Rs. 3 Lakhs was deposited as a condition precedent before extending the interim protection and as also that the condition was complied with by the applicant, but, eventually his application, on merits, came to be rejected. In such circumstances, I do not see any reason to withhold the amount of Rs. 3 Lakhs so deposited by the applicant.

7] In view of above, the application is allowed. The amount of Rs. 3 Lakhs deposited by the applicant in this court vide D.D. No. 49304 dated 17.11.2020, is directed to be returned/refunded to the applicant on due verification.

8] The application stands disposed of.

[V.G. BISHT]
JUDGE.

grt/-