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S.
Sherla

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 184 OF 2021
IN
CRIMINAL BAIL APPLICATION (IA) NO. 40 OF 2020
IN
CRIMINAL APPEAL NO. 19 OF 2020

Naresh @ Rakesh Chandrakant Kotiwale ...Applicant/Org.
Accused No.6.

vs.
The State of Maharashtra ...Respondent

Mr. Jigar K. Agarwal i/b Mr. Amrish R. Salunkhe for the Applicant/
Appellant.

Ms M.H. Mhatre, A.P.P. for the Respondent-State.

**CORAM : SMT. SADHANA S. JADHAV &
N. R. BORKAR, JJ.**

DATE : FEBRUARY 01, 2021.

P.C.:

1. This is an application seeking refund of cash amount deposited before the Sessions Court in lieu of surety to be furnished for being enlarged on bail, pursuant to the order of this Court dated 8.9.2020. The substantive sentence imposed upon the applicant was suspended on executing P.R.Bond in the sum of Rs.50,000/- by this court vide order dated 8.9.2020. This court has granted liberty to the applicant to furnish one or two sureties. It was a provisional cash surety and the time was also granted to the applicant to furnish surety.

2. On 17.10.2020, on depositing cash of Rs.50,000/-, the applicant was enlarged on bail in Sessions Case No. 777 of 2013 by the learned Additional Sessions Judge, Greater Bombay.

3. The learned counsel for the applicant submits that on 12.11.2020 vide surety application No. 947, the applicant has furnished one solvent surety. Hence, the applicant seeks refund of the amount deposited by way of provisional cash surety.

4. The concerned Additional Sessions Judge shall verify the records and on subjective satisfaction, the learned Additional Sessions Judge shall permit refund of the amount deposited towards provisional cash surety, in the Sessions Court.

5. With these directions, the application is allowed in terms of prayer clause (i) and stands disposed of.

(N. R. BORKAR, J.)

(SMT SADHANA S. JADHAV, J.)