

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.163 OF 2020
IN
ANTICIPATORY BAIL APPLICATION NO.575 OF 2017**

Mamta Bhausaheb Ghevade .. Applicant

Vs.

Bhausaheb Krishna Ghevade & Anr. .. Respondents

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Ms.Siddhi Bhosale, Advocate for Applicant.

Ms. Khushali Padalia i/b Chaitanya A. Malgaonkar for
Respondent No.1.

Mr. R.M.Pethe, A.P.P. for the State-Respondent.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 14th SEPTEMBER, 2021**

PC.

1. This is an application for withdrawal of amount of Rs.2,52,000/- which is deposited in this Court.

2. The applicant is the original complainant in C.R. No.10 of 2017 registered with Kamothe Police Station. Vide order dated 24.07.2017 the application preferred by respondent No.1 was allowed by this Court and protection under Section 438 of Cr.P.C. was granted to him. The operative part of the order dated 24.07.2017 passed in Anticipatory Bail Application No. 575 of 2017 indicate that amount of Rs.2,52,000/- deposited by the respondent No.1 be invested in Fixed Deposit with a nationalized bank. It was further directed that in the event parties resolve their dispute amicably, they will be at liberty to

file an appropriate application for withdrawal of the amount so deposited.

3. Learned counsel representing both the parties have submitted that the settlement was arrived at between both the parties and pursis in that regard were filed in the court of learned JMFC and the proceedings were disposed of. The consent term executed before the trial Court indicate that the amount of Rs.2,52,000/- deposited in this Court be permitted to be withdrawn by the present applicant. Learned counsel for the respondent submitted that the respondent is entitled for the interest accrued on the principal amount of Rs.2,52,000/- which was invested in nationalized bank.

4. In view thereof, I pass the following order:-

(i) The applicant Mamta Ghevade is permitted to withdraw the amount of Rs.2,52,000/- deposited by the respondent No.1 in this Court in ABA No.575 of 2017.

(ii) The interest, if any, accrued on the principal amount of Rs.2,52,000/- deposited in this Court be permitted to be withdrawn by the Respondent No.1.

(iii) Cheque/RTGS for amount of Rs.2,52,000/- be issued by registry in the maiden name of the present applicant Viz.Mamta Rajaram Malvi.

6. Application stands disposed of.

(PRAKASH D. NAIK, J.)