

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1491 OF 2020
IN
ANTICIPATORY BAIL APPLICATION NO. 2714 OF 2018**

Vishwajit Shivajirao Mane Applicant

Versus

The State of Maharashtra Respondent

Mr. Pramod G. Kathane for Applicant.

Mr. Ajay Patil, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 22th MARCH, 2021**

P.C. :

1. The Applicant had preferred Anticipatory Bail Application before this court in connection with C.R.No. I 289 of 2018, registered at Gadhinglaj police station, under sections 406, 420 and 468 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Initially, this court (Coram: Nitin W. Sambre, J.) vide order dated 07/01/2019 had recorded that the applicant had undertaken to deposit total amount of Rs.5 lakh with the

Investigating officer. This amount was more than the amount claimed by the first informant which was the subject matter of the offence. The applicant had deposited said amount of Rs.5 lakh with the Investigating officer. Thereafter, vide order dated 10/06/2019 he was granted anticipatory bail and the application was disposed of.

3. This fresh application is filed with a prayer to return the amount of Rs.5 lakh to the applicant which is deposited with the police station.

4. Heard Shri. Pramod Kathane, learned counsel for the applicant and Shri. Ajay Patil, learned APP for the State.

5. Learned counsel for the applicant submitted that the money is lying idle in the police station and, therefore, either it should be returned to the applicant or it should be directed to be deposited with the trial court and it should be invested in a Fixed Deposit scheme.

6. I have considered these submissions. The applicant had established his bonafides by depositing Rs.5 lakhs. At this stage, it would not be proper to return the amount to the applicant since

the trial is yet to begin. Therefore, it would be proper if the amount is deposited with the trial court and the trial court is directed to pass appropriate orders at the appropriate stage.

7. Hence, the following order :

ORDER

- (i) The Investigating Officer shall deposit the amount, which is deposited with him by the applicant, with the trial court.
- (ii) The trial court shall invest that amount in a Fixed Deposit Scheme, to be renewed from time to time, in accordance with rules.
- (iii) The trial court shall decide about the disbursement of that amount at the conclusion of trial.
- (iv) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)