

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

**INTERIM APPLICATION NO. 1660 OF 2019
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2115 OF 2017**

Riyaz Taherali Suterwala and Anr. ...Applicants

Versus

The State of Maharashtra and Anr. ...Respondents

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Adv. Pratik Amin i/b. Adv. Pratibha Rupnawar for the Applicant.
Mr. A. R. Kapadnis, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 1st MARCH, 2021.

PC :

1. This is an application for withdrawal of amount of Rs.3 Lakhs deposited by the accused in this Court. The Accused Vikram Trilokchand Kavar had preferred an application for anticipatory bail before this Court, viz. ABA No.2115 of 2017 apprehending of arrest in C.R.No.337 of 2017. He was granted anticipatory bail vide Order dated 11th April, 2019. Amount of Rs.3 Lakhs were deposited by way of demand draft. Trial proceeded before the learned Addl. Chief Metropolitan Magistrate, 2nd Court, Mazgaon at Sewri Mumbai. Vide Judgment and Order dated 15th July, 2019, accused were acquitted. In the Judgment, it was observed that accused Vikram Kavar has no objection to hand over amount to the complainant, which has been

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deposited by him in this Court. In the operative part of Judgment dated 15th July, 2019, the Trial Court directed the accused to take appropriate steps to handover the demand draft of Rs.3 Lakhs to Riyaz Suterwala (Applicant in the present application). Accused gave no objection for giving the amount to informant which had been deposited by him in this Court.

2. Learned counsel for the applicant submits that the accused had given no objection before Trial Court for returning the amount of Rs.3 Lakhs to applicant. The copy of reply giving no objection is tendered, which is taken on record, which is marked as 'X' for identification. The accused is not traceable and therefore he could not serve him. However, in view of the observation of the Trial Court and no objection given by the accused, applicant may be permitted to withdraw the amount of Rs.3 Lakhs deposited in this Court.

3. In view of aforesaid circumstances, the applicant-Riyaz Taherali Suterwala be permitted to withdraw the amount of Rs.3 Lakhs deposited by Vikram Trilokchand Kavar in this Court in Anticipatory Bail Application No.2115 of 2017.

4. The application stands disposed of.

(PRAKASH D. NAIK, J.)